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**Forest
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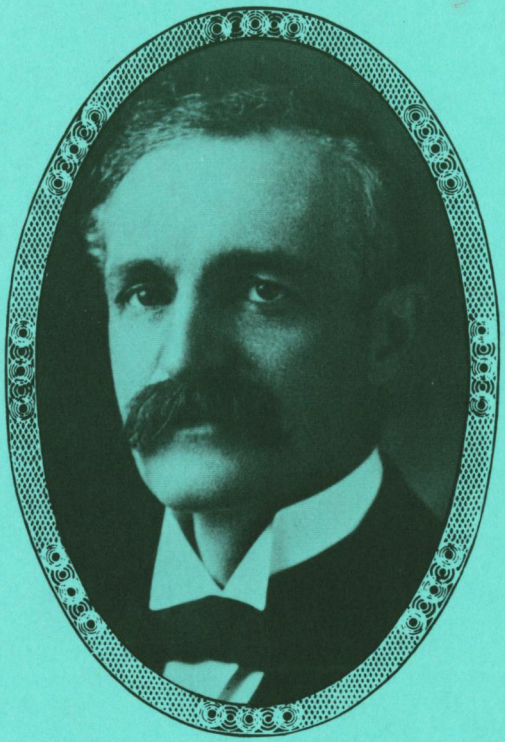
Forest Service History Series

The Wilderness Movement and the National Forests: 1964-1980



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The Wilderness Movement and the National Forests: 1964-1980

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Cover photo: Gifford Pinchot, first Forest Service chief.

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Introduction

"You may prefer the more facetious definition of wilderness as a place where the 'hand of man has never set foot.' Or perhaps, you'll settle for the pragmatic approach: wilderness is whatever the U.S. Congress designates as wilderness."
Rupert Cutler

With the passage of the Wilderness Act in 1964, the modern environmental movement began to come of age. It had taken 8 years to get the act passed. Wilderness bills had been strongly supported in the East and by some westerners. However they had faced strong opposition from timber and mining industries and important western congressmen such as Wayne Aspinall, who chaired the House Committee on Interior and Insular Affairs. The act was a compromise between the views of two groups that held opposite views as to how the Nation's natural resources should be managed. At the extreme poles, these views took on a quasi-religious aura. Some timber industry spokesmen talked of man's duty to utilize all of God's bounty, while wilderness proponents were equally certain that wilderness was sacrosanct. The Forest Service, which had originated the wilderness concept in the 1920's and managed existing primitive and wilderness areas, was in the middle. As a result, the act was not a model of clarity, and it had provisions which were apparently contradictory or had been left deliberately vague. For instance, the act defined wilderness as "an area of undeveloped Federal land retaining its primeval character and influence." Two lines later this definition was qualified by the statement that on such lands "the imprint of man's work [is] substantially unnoticeable."

Was Federal land that had once felt the "imprint of man" no longer eligible for wilderness designation because it logically no longer retained its primitive character, or was it eligible if that imprint was now "substantially unnoticeable"? The act did not reconcile that discrepancy.

It soon became apparent that the Wilderness Act had only set the philosophical outlines of Federal wilderness policy. The rest of the picture would have to be provided by the sections of the act that required citizen involvement in the study of potential wilderness areas and affirmative action by Congress to put them into the National Wilderness Preservation System (NWPS).

During the debate on the wilderness bills, the environmentalists had strongly favored a procedure by which the executive branch would propose wildernesses that automatically would go into the Wilderness System unless Congress exercised a legislative veto. They were eventually forced to accept Wayne Aspinall's demand that only a bill which was affirmatively passed by both houses of Congress and signed by the President could create a wilderness. The environmentalists were afraid that affirmative action would make it difficult to get areas into the Wilderness System; but they soon realized that, rather than being a defeat, affirmative action was

an unexpected boon because of the strength of public support for wilderness. Stewart Brandborg, the Executive Director of The Wilderness Society, recognized this historical irony in his 1968 annual report to the society's membership.

> The education and leadership training of the public, to the end that it may attend to its own interest, has been greatly aided by the Wilderness Law, particularly those provisions which were inserted by the opponents of the measure, requiring that Congress must act affirmatively on each addition to the National Wilderness Preservation System. This "blocking effort," as we saw it at the time, has turned out to be a great liberating force in the conservation movement. By closing off the channel of accomplishing completion of the Wilderness System substantially on an executive level, where heads of organizations would normally consult and advise on behalf of their members, the Wilderness Law, as it was passed, has opened the way to a far more effective conservation movement, in which people in local areas must be involved in a series of drives for preservation of the wilderness areas they know.[1]

The Forest Service was at first unprepared for the extent of public participation in wilderness designation. In late 1964 Richard Costley, the new Director of the agency's Recreation Division in the Washington Office, visited Stewart Brandborg with what he later said was the naive assumption that they could quickly agree about the standards that should be used in recommending National Forest areas for inclusion in the Wilderness System. Instead of reaching an agreement, Costley left the meeting extremely "shook" by Brandborg's argument that the political process should be allowed to decide the ultimate size of the wilderness system.[2] It had not always been that way. A decade earlier, a dejected leader of The Wilderness Society, Howard Zahniser, had left a meeting with the Forest Service after learning that the agency (along with the other Federal land-managing bureaus) would not support his first wilderness bill. The passage of the Wilderness Act in 1964 marked the end of an era in which both the Congress and the public depended entirely on the Forest Service to determine how National Forest lands should be classified.

Under the Wilderness Act, Congress for the first time gave itself the power to determine how a particular piece of National Forest land was to be classified. The Forest Service had a new role as one of several wilderness advisors to Congress, which now had the final word on what areas would be designated wilderness. (Subsequently Congress broadened its authority to classify National Forest land with the passage of the Wild and Scenic Rivers Act and several National Recreation Area acts.)

As a consequence of Congress' new authority, many people in the environmental movement came to look upon the Forest Service either as a temporary obstacle on the path to enlarging the Wilderness System in a way they desired or as basically irrelevant to the process. As Ernest Dickerman, former staff member of the Wilderness Society and chief lobbyist for wilderness in the East, has said: "Everthing was OK once we realized that the Forest Service can't vote." [3]

Forest Service people, on the other hand, often felt that environmentalists slighted their agency's pioneering role in administratively designating the first wilderness areas in the 1920's and 1930's and that their professional advice and leadership was not given the attention it deserved.

A good example of this altered relationship took place in 1973 when Chief John McGuire testified before the Senate Interior Committee on a bill to create wildernesses in the East. Senator Frank Church tactfully chided McGuire for proposing an alternative approach to eastern wilderness. Church then told McGuire that the Forest Service should stop trying to define wilderness and limit itself to making wilderness recommendations to Congress so that Congress could make the final decisions.[4]

Senator Church was being somewhat simplistic when he asked the Forest Service to send recommendations and not definitions, because it was impossible for the agency to make recommendations without some kind of implicit definition of what it was studying. Also it became clear by the late 1960's that while Congress often would enlarge agency recommendations, it would virtually never decrease them. Environmentalists might argue that the agency's recommendations were usually so small that Congress was not given the opportunity to question whether the Service had proposed too much. Forest Service personnel felt that their proposals were the "correct" size, although they assumed that whatever they proposed would be exceeded by the environmentalists and that Congress would probably designate an acreage somewhere between those amounts. In addition, the Forest Service was still charged with meeting its other congressional mandates to manage the National Forests for natural resources, recreation, and wildlife.

The Wilderness Act gave some general definitions of wilderness, but it gave no guidelines on how wilderness values were to be reconciled with commodity values. That problem did not exist for the Park Service and the Fish and Wildlife Service in the Department of the Interior, two other Federal agencies with large amounts of undeveloped land, because, for the most part, their potential wilderness areas already had been legislatively withdrawn from most commodity uses. The National Forests, however, had been created in the late 19th and early 20th centuries when Americans were worried that the country's rapid industrial growth would be stopped by an impending shortage of raw materials. In fact, the original National Forest "Organic Act" of 1897, which was not supplemented until the Multiple Use Sustained Yield Act of 1960, stipulated that the forests would be managed to provide a continuous supply of water and timber to the Nation. It did not mention recreation, scenery, or wilderness, all of which the Forest Service had to make room for under its general administrative authority until 1960. Thus, the agency had to perform a difficult balancing act in attempting to make wilderness designation compatible with its other legislated responsibilities towards the National Forests. Also, if it recommended "too much" wilderness, industry would criticize it, and if it proposed "too little," it would incur the wrath of the environmentalists. It was difficult to make professional decisions in this emotional atmosphere.

What about the commodity groups themselves? They had wielded much influence during the debate over the original wilderness bills and were able to stall legislation for nearly 8 years. But that had been a

national debate, and the issues had mobilized the full strengths of the contending interest groups. When it came to establishing individual wilderness areas, commodity groups labored under several handicaps. They rarely mustered the amount of public support that wilderness advocates had, and what strength they did have was not easily focused on individual wilderness areas. As John Hall of the National Forest Products Association has pointed out, every undeveloped area has some claim to ecological uniqueness, however small, that can be used to mobilize support for it.[5] Wilderness lovers in New York can be aroused to defend a threatened wilderness in Montana even if they have never seen it. Commodity interests cannot invoke the same level of far-flung solidarity. The possibility that a lumber mill might close, that some jobs might be lost, or that a fraction of a percentage of the Nation's timber or mineral supply will be "locked up" does not produce the same intense public response as the image of a violated wilderness. Although a few people in industry passionately advocated their point of view, the cause of development was not as emotionally charged as that of wilderness preservation.

What strength commodity interests do have on the local level is based on fears that wilderness designation will adversely affect the number of jobs and level of income. (Environmentalists argue that in most cases this concern is exaggerated and that a few years after a wilderness is created the local inhabitants become its most vigorous supporters.) Politicians respond to this concern and often oppose wilderness recommendations that might harm their constituents' economic interests. As Brock Evans, formerly of the Sierra Club has pointed out, Congress operates under the principle of 'comity' when dealing with wilderness, i.e. bills are rarely reported out of committee unless they have the backing of the congressional representatives in whose districts or States the wildernesses lie.[6]

Consequently, a long period of local political action and education combined with outside pressure is often needed to change the political equation. This is difficult work but it was the most favored environmentalist strategy during the late 1960's and most of the 1970's. In fact, Brock Evans, one of the Sierra Club's most successful practitioners of the piecemeal approach, at first doubted the wisdom of the omnibus "Endangered American Wilderness" bill (first introduced in 1976 and passed in 1978), because he feared that it might dissipate the political strength that environmentalists could otherwise concentrate on individual areas.[7] Commodity interests, on the other hand, felt frustrated over being "nibbled to death" and over a seeming inability to prevent the slow but inevitable growth of the Wilderness System. Into this mix came what the environmentalists dubbed the Forest Service's "purity doctrine" for classifying and managing wilderness.

Immediately after the passage of the Wilderness Act in 1964, the Forest Service assembled a special task force of experienced wilderness managers to write wilderness policy and regulations in accord with the act. The group included Forest Service personnel Gordon Hammon, George Williams, Arne Snyder, Ed Slusher, and Bill Worf, as well as Bill Brizee of the Department of Agriculture's Office of The General Counsel. At first, the task force believed that they all knew what wilderness management

was and therefore expected that their stay in Washington, DC would be brief. But, as they began to discuss the subject and query field personnel, they discovered that there was not a consensus nor a uniform policy. Wilderness policy was a series of regional interpretations of some general and rather flexible regulations. One of the task force members, Bill Worf, later offered his opinion that this lack of consistency demonstrated to him in a direct and personal way one of the reasons why the Wilderness Act had been passed.[8]

The task force, which shared its space in the Department of Agriculture Auditor's Building with a flock of pigeons, spent 9 weeks writing the first draft of the Forest Service Manual chapter for wilderness. According to Richard Costley, who was in charge of the project, they were given a free hand and were not subject to any external pressures. They concluded that management guidelines had to be strict if they were to be both consistent with the act and enforceable.

> And the basic ingredient of successful leadership in Wilderness Management as in other unfamiliar and frequently debatable areas is consistency. This is especially significant when most of the values and criteria involved are so highly subjective in nature; when the scales of judgment are so easily tipped by emotional considerations. It soon became clear to us that if we gave different—or even seemingly different—advice in like or nearly like situations, there would be rampant confusion. We had to take clear and firm positions, demonstrate them with concrete examples, and then stick to them.[9]

The task force members were familiar with some of the most spectacular and pristine areas of the country. They believed that Congress had been thinking of this kind of area when it wrote the act, and that it had charged the Forest Service with keeping such areas as untainted as possible. Moreover, as Richard Costley has pointed out, a Forest Service inspector needed clear and strict rules with which to evaluate wilderness managers—rules that minimized as much as possible the intrusion of modern technology and conveniences into wilderness areas.

In 1972 Bill Worf explained why he and his colleagues had arrived at the purity doctrine:

> During this entire public involvement process, other forces were also acting to shape National Forest wilderness policies. Miners were asking to use helicopters and motorized equipment for prospecting; telephone companies wanted to install electronic repeaters; NASA wanted to use helicopters and make a motorized installation for purposes that were so highly secret they would not describe them; . . . cattlemen made strong cases that bulldozers were necessary to maintain badly needed stock water ponds; Fish and Game Departments asked to use helicopters for planting game animals and fish; . . . Hardly a week went by without some new and different challenge. As each decision was considered, it was tested against the Act, the maturing policy, and other preceding decisions. These actions served to sharpen and clarify policy positions, and it became abundantly clear

that specific and consistent policy guidelines were necessary to prevent gradual erosion of the wilderness resource. . . .[10]

The task force also concluded that the purity doctrine also should be applied to the selection of potential wildernesses. If areas that showed the "imprint of man" were allowed into the system, the Forest Service might be pressured to allow nonconforming activities on previously undisturbed wildernesses.[11]

The Forest Service strongly believed that Congress had intended to create a high-quality Wilderness System and had written the Wilderness Act to reflect that desire. The agency knew that managing wildernesses so that they would keep their high quality would be expensive. They believed that when Congress saw the costs involved, it would place some limits on the number of wildernesses it was willing to create. In December 1984, Art Greeley, then Deputy Chief for the National Forest System, explained this reasoning to a group of Regional Foresters who had gathered in Ogden, Utah, to discuss a draft of the new wilderness management policy and regulations.

> The Act is basically a true Wilderness Bill. It provides for no new non-conforming uses. It accepts (or tolerates) some non-conforming uses—because they are established—but provides that they shall be carried on insofar as possible so as to not destroy wilderness values.
>
> The Act accepts that "wilderness" is expensive—an expensive luxury—a luxury which the country can afford. It is expensive. The commodity uses of the land will be foregone. The relative extra cost of conforming administrative practices, compared to some normal administrative practices that might not conform (sic). It follows that when a choice must be made between jeopardizing or enhancing a wilderness value it shall be enhanced . . . But wilderness is so expensive that we probably can't afford too much more of it—either "pure"—or semi-pure.
>
> We have 9.1 million acres—and 5 plus million headed for Wilderness. Eventually possibly 16–18 million acres altogether.
>
> It seems we have the choice—Maybe 16–18 million acres of pure wilderness—or 2 or 3 times as much half-baked wilderness, all with an encumbrance on truly multiple-use management.
>
> So—we should manage what we have as WILDERNESS and by so doing we won't put a semi-wilderness lien on the multiple use management of 2 or 3 times as much "possible" wilderness.[12]

Greeley's remarks show that in 1964 the Forest Service leadership considered wilderness management as separate and distinct from multiple use management, although they knew that the Multiple Use Sustained Yield Act of 1960 defined wilderness as one of the "multiple uses". They also demonstrated that the Forest Service was looking farther ahead to the possible implications of the Wilderness Act than were the environmentalists, who, until the early 1970's, were projecting a final National Forest portion of the Wilderness System of about twenty million acres.[13]

The architects of the Forest Service purity doctrine, such as Dick Costley and Bill Worf, came to the principled conclusion that lax wilder-

ness standards would result in the "cheapening" and perhaps the ultimate destruction of the Wilderness System. They also have vigorously denied that they were attempting to protect the interests of commodity users by writing strict standards. According to Costley, most wilderness advocates did not really understand the Wilderness Act or care about "any other facet of what we consider Wilderness Management . . . Rather, they look upon classification under the Wilderness Act as a sure way to keep logging and/or roads out of their favorite areas." [14] And then in a statement that showed that not even veteran Forest Service professionals were immune from emotional outbursts over wilderness: "I have become 'pure'. I know it. And I know why . . . we have the difficult responsibility of the stewardship of that System. We must make sure . . . that its integrity is not violated." [15]

Costley's eloquent valedictory on his 7 years as Director of Recreation explained to a skeptical colleague why only the professional expertise of the Forest Service stood between the National Forests and a deluge of bad wilderness proposals:

> We are being confronted [this in 1971] on more and more National Forest fronts with wildcat wilderness proposals . . .
>
> The timber industry does not have the credibility or the muscle to stop these ill-advised proposals . . .
>
> The only force which can keep wilderness classification in balance and assure future generations will continue to have wilderness is the Forest Service. And we are not going to be able to do it on the basis of the "need" for the forest products, or the roads to harvest them.
>
> In my judgment the best opportunity—by far—for us to keep wilderness classification action sound and in balance is for us to make sure that the public comes to realize—as Congress did when it passed the Act—that while wilderness is an important part of our National heritage, it is EXPENSIVE. It is expensive not only in terms of resource opportunities foregone; it is expensive in management costs. We had to start this course by taking the basic stand that economic efficiency, or convenience, by themselves are not justifications for approving something in wilderness which is otherwise questionable. That did not go down at first, but soon the sheer overpowering logic of it began to sink in.[16]

Anticipating that there would be strong public pressure for wilderness designation, the Forest Service hoped to convince Congress to limit the amount of wilderness acreage by showing it the "true" costs involved in a pure or "strict constructionist" approach, as Bill Worf prefers to call Forest Service Wilderness policy.[17] Worf and Costley foresaw that the Forest Service would encounter many, perhaps intractable, problems in protecting wilderness if high standards were not used in creating them. In other words, they did not want to be left holding the wilderness management bag for Congress and the environmentalists.

At one time many in the environmental movement also subscribed to a version of the purity doctrine—a legacy of their pre-1964 struggle to create uniform standards for a national wilderness system. In the 1930's the Forest

Service had administratively set aside 14 million acres of "primitive areas." From the late 1930's until 1964 the agency had been reevaluating them and gradually converting them administratively to either wildernesses (100,000 or more acres) or "wild" areas (5,000 to 100,000 acres). The environmentalists and the Forest Service had been engaged in a defensive struggle to keep certain activities and structures out of the primitive areas so that they would still qualify for wilderness or wild designation. Consequently, Stewart Brandborg commented favorably on the first draft of the Forest Service's wilderness regulations.[18] Michael McCloskey's 1965 article on the meaning of the Wilderness Act contained language that could have been written by Costley or Worf:

> Second, wilderness has been valued more as a setting for a human experience than as a resource to be physically used. Only scientific research is oriented toward the resource as the subject matter. Man and the reactions his mind has to a special setting is the subject matter in all other cases. Thus, it is important to understand that wilderness is valued more as a mental image than as a physical reality . . .
>
> Third, a strong bias against commercialism may be inferred from the nature of the interests that place value on wilderness. These interests view wilderness areas as geographical secessions from the American economy. Recent trends are strongly toward making the secessions complete.[19]

The environmentalists' position began to change when they realized that the Forest Service wanted to use the same strict standards to recommend wildernesses as it did to manage them. Their organizations were no longer simply trying to preserve the status quo but were now attempting to enlarge the Wilderness System. New roles created new perspectives for both the Forest Service and the environmentalists. The Forest Service moved consciously to a more pure position when it went on the defensive. The environmentalists underwent a reverse evolution when they took the offensive.

The environmentalists found nothing in the Wilderness Act that required identical standards for management and allocation, nor would they accept the argument that the need to apply certain management techniques justified pure standards. They charged the purity doctrine was applied selectively when the Forest Service wanted to exclude an area from the Wilderness System, usually for economic reasons. Industry representatives occasionally came out with tongue-in-cheek caricatures of rigid purity but their views were given little weight on the subject because, as Costley noted, "many of those who fall into this category do not support the philosophy that the maintenance of an enduring wilderness resource is in the public interest, and many would like to undermine the wilderness concept."[20]

The National Park Service, in an attempt to preserve some administrative freedom, also fell back on an implicit purity argument in order to exclude from its wilderness recommendations small areas containing structures and improvements in otherwise roadless areas, thus creating a "Swiss cheese" effect. In 1972 Douglas Scott, then on The Wilderness Society staff in Washington, drafted a speech on this subject for a congressional

hearing. The hearing was chaired by Senator Frank Church, the floor leader of the 1964 Wilderness Act. Using Scott's text, Church berated an Assistant Secretary of the Interior, Nat Reed, who was a willing accomplice to his own public chastisement.[21] These proceedings essentially put an end to the Park Service purity doctine.

The Forest Service also came under increasing pressure in the early 1970's from congressional leaders, such as Senator Church, to jettison its purity doctrine. It felt more strongly about purity than the Park Service because it had many people with a strong philosophical commitment to the doctrine and because its leaders felt that it was necessary in order to maintain a "proper" balance between wilderness and other multiple use values.

As mentioned earlier, the Wilderness Act defined wilderness somewhat ambiguously, and its legislative history was so long and complex that it is impossible to extract an unambiguous meaning from it. Bill Worf, who enjoys the respect of many environmentalists as a worthy and principled sometime opponent, maintained that the act implied that wilderness was a "non-renewable" resource. A Forest Service colleague countered that:

> Nature is a great healer and in just a few years imprints of man's work will become substantially unnoticeable. As ecologists, we can even forecast approximately when the imprints will become insignificant. The argument is made that Wilderness, by definition, can never be restored. In actual fact, there are many examples where, for all practical purposes, Wilderness has been restored. It is just a matter of how much time is involved.[22]

The timber industry picked up this argument during the debate on the eastern wilderness bills of the early 1970's, and suggested that if areas could be restored to wilderness condition then they could be rotated along with timber harvests. However, this reasoning was not acceptable to wilderness enthusiasts who had developed attachments to specific places and were unwilling to accept substitutes during the decades it would take to restore them. Wildernesses may be renewable but they are not substitutable, because, as McCloskey pointed out, wilderness lovers often value the "mental image" of a wilderness more than its actual physical reality.

Ernie Dickerman maintains that because the three principal drafters of the first wilderness bill (Howard Zahniser, Harvey Broome, and George Marshall) were easterners who had their first wilderness experiences in eastern forests, they could not have written a definition that would have excluded these areas. On the other hand, he has also admitted that it took nearly 8 years after the passage of the Wilderness Act for environmentalists to push for an eastern bill, because at first many of them were not sure that the cutover areas in the East qualified as true wilderness.[23]

Ecologists have pointed out that it is difficult to define a "pure" wilderness because virtually all of the forested areas of the United States have experienced some form of human impact. Although most western wildernesses have been free of timber harvesting and are substantially without roads, for nearly 60 years the Forest Service was successful in reducing the number of forest fires in them. The long-term exclusion of fire may have caused as much ecological change in the drier, slow-to-recover

areas of the West as timber harvesting and roads in the humid, fast-growing forests of the East.[24]

Not having any definitive statutory principles and very few examples of completely unmodified wilderness to go by, the Forest Service has realized that Congress must continue to define what qualifies as wilderness through the bills it passes and the legislative reports it writes. In the following pages we will examine some of the important events which have led up to the present situation.

Notes to the Introduction

1. "Executive Director's Report to Council, 1966–67", Denver Conservation Library (DCL), Wilderness Society Records (WSR), Box 2.

2. Telephone interview with Richard Costley, 4/27/83, Forest Service History Section (FSHS).

3. Interview with Ernest Dickerman, Buffalo Gap, VA, 8/18/83, FSHS.

4. FSHS, photocopy of Senate Hearings on S. 316, 1973, pp. 31–35.

5. Interview with John Hall, Washington, DC, 7/25/83, FSHS.

6. Brock Evans, "The Wilderness Idea as a Moving Force in American Cultural and Political History," Congressional Record 4/27/81.

7. Interview with Brock Evans, Washington, DC, 7/15/83, FSHS.

8. William Worf, "Two Faces of Wilderness—A Time for Choice," Idaho Law Review, Vol. 16, No. 3 (Summer 1980), p. 435.

9. Richard Costley, letter to J.W. Deinema, 4/19/71, FSHS.

10. "National Forest Wilderness: A Policy Review", Forest Service, 1972, page 5.

11. Richard J. Costley, "An Enduring Resource," American Forests, October 1971.

12. "Remarks of Art Greeley to Regional Foresters," Ogden, UT 12/10/64, Forest Service, Washington Office, Division of Recreation Records.

13. Speech by Rupert Cutler, 8/20/68 DCL, WSR, Box 2; Evans Interview, cited above.

14. Costley letter to J.W. Deinema, cited above.

15. Same.

16. Same.

17. Bill Worf, letter to the author 5/15/84, FSHS.

18. DCL, WSR, Box 2, undated draft letter.

19. Michael McCloskey, "The Wilderness Act of 1964: Its Background and Meaning," Oregon Law Review, Vol. 45, No. 4 (June 1966), p. 295.

20. Costley letter to J.W. Deinema, cited above.

21. Interview with Harry Crandell, Washington, DC, 5/20/83, FSHS.

22. "National Forest Wilderness: A Policy Review," cited above, p. 48.

23. Dickerman interview, cited above.

24. John C. Hendee, George H. Stankey, and Robert C. Lucas, Wilderness Management (Washington, DC: USDA Forest Service, 1978), pp. 249–251.

I. Primitive Area Reviews and the Parker Decision

In order to pass the Wilderness Act, wilderness advocates had reluctantly agreed to accept affirmative action by Congress in exchange for interim protection of the Forest Service's primitive areas. The act required the Forest Service to study these areas and report its recommendations to Congress within a 10-year period. In 1963 Wayne Aspinall had inserted a clause in the wilderness bill which prevented the President from enlarging a primitive area by more than 5,000 acres. John Saylor countered with an amendment permitting the President to recommend to Congress that undeveloped land contiguous to primitive areas also become part of the Wilderness System.[1] Aspinall did not attempt to block Saylor's amendment because it upheld the principle of affirmative action by Congress. Although Saylor introduced this amendment because he knew environmentalists were interested in some contiguous areas, neither he nor Aspinall could have suspected the full consequences of its seemingly innocuous language—a national forest portion of the Wilderness System much larger than 14 million acres and a major legal defeat for the Forest Service as a result of the Parker Decision of 1970.

The Forest Service completed all of its reviews within the 10-year period. Most of them were conducted without major conflict with commodity groups or environmentalists but a few were marked by controversy as both environmentalists and the Forest Service attempted to assert their interpretations of the definition of wilderness as stated in the Wilderness Act of 1964.

The San Rafael Primitive Area, established in 1932, consisted of nearly 75,000 acres on the Los Padres National Forest on the central California coast. The area was noted for its grassy balds known as potreros, scenic rock outcrops, mountain lions, bears, eagles, condors, and Chumash Indian rock paintings. In 1935 Forest Service Chief F.A. Silcox assured the National Audubon Society that a proposed fire road in the area would be closed to the public so that condor nests would not be disturbed.[2]

Forest Service leaders chose to make the San Rafael its first study area because they thought it would be relatively "easy."[3] There were no timber or mineral resources to speak of in the area and while farmers and residents of Santa Barbara depended on streams originating in the area's watershed, the Forest Service correctly felt that there would be little problem working with these groups.

The first hint that things would not go as smoothly as the Forest Service had hoped came in a December 3, 1965, letter from Michael McCloskey, then conservation director for the Sierra Club in San Francisco, to Secretary of Agriculture Orville Freeman. McCloskey conveyed the Santa Barbara Chapter's complaint that the Forest Service was lobbying the Santa Barbara City and Water Commissions to support its proposal for a 110,000-acre San Rafael Wilderness.[4] Deputy Forest Service Chief Art

Greeley replied to McCloskey that the Forest Service had to defend its position in public forums and that the only question was "how ardent an advocate should the Forest Service be for something that is a Forest Service proposal." [5] Regional Forester Charles Connaughton told McCloskey that he was "astonished" that the relations between the Sierra Club and the Forest Service had sunk to such a low level.[6] He requested a meeting with the president of the club. Apparently that meeting had a salutary effect because for the next year compromise and cooperation were the watchwords for both the Forest Service and the environmentalists. The Forest Service increased its proposal to 143,000 acres and was praised by Stewart Brandborg for its constructive attitude.[7]

In 1967 the temporary peace began to unravel. The sticking point was 4,200 acres of potreros on the Sierra Madre Ridge that the Forest Service wanted to exclude because it felt that a road and an administrative site there were incompatible with wilderness designation and because it wanted to use the area as a fire break. The Forest Service had already converted some of the brush to grass and planned to do more "type-conversion" work as soon as the San Rafael Wilderness bill had been passed and signed. The agency maintained that this disputed area was the only suitable site for a fire break, which was essential to stop the kind of fast-moving, devastating fires which were endemic to the region.

The local environmentalists maintained that the land was of wilderness character and should be protected because it was a condor flyway and contained Chumash Indian pictographs. They disputed the need for a fuel break and cited the authority of the Los Padres' fire boss who questioned the efficacy of a fire break in that particular location. The Forest Service replied that it had closed the Sierra Madre Ridge Road to the public and that it could easily protect the condors and pictographs without having to put the area into the Wilderness System.

According to Bill Worf:

> When we learned of the wilderness folks' concerns, I was assigned to work directly with the Forest Supervisor to see if we could resolve the differences. The Forest Supervisor provided us in the Washington Office with large scale aerial photos of the disputed area. After much discussion the Supervisor agreed to forgo any plans to expand the already existing fuel breaks on the wilderness side. Accordingly we used the photographs, and drew a revised boundary on the edge of the fuel breaks that had already been completed. These fuel breaks had been created by bulldozing and burning the chaparral and then plowing and seeding to grass. We felt that even under a very liberal interpretation these areas could not be considered wilderness. The dozer and plow marks were clearly visible on the aerial photos.[8]

Rupert Cutler, then assistant executive director of The Wilderness Society in Washington, DC, went to Santa Barbara with the hope that he could break the impasse. He and the Forest Supervisor viewed the San Rafael by helicopter because the roads were closed by snow; this action was frowned on by some local environmentalists. When he returned to Washington, DC ready to reach a compromise, he was surprised to discover that the Santa Barbara Sierra Club already had convinced Senator

Thomas Kuchel to introduce a bill calling for 158,000 acres, including the 2,200 acres on the Sierra Madre Ridge that the Forest Service wanted as a fuel break. Cutler's attempt at mediation had been aborted, and The Wilderness Society's leadership now felt compelled to support the local citizen initiative.[9] Here in the first primitive area bill was a strong signal that affirmative action meant that questions of wilderness allocation would not be decided exclusively at an executive level in Washington, DC. It was also an indication that a rough division of labor was developing within the wilderness movement. The Sierra Club claimed California and the Pacific Northwest as its territory, while leaving the Rocky Mountain states pretty much to the The Wilderness Society.[10]

Senate hearings were held on the Kuchel bill. The environmentalists agreed to drop 13,000 acres from their proposal but would not budge from their insistence that the 2,200 acres on the ridge be included in the wilderness. The Senate accepted the Forest Service's recommendation and passed a bill that excluded the disputed area. It was referred to the House Interior Committee where John Saylor was able to restore the acreage. An angry Chairman Aspinall commented on these developments and implicitly acknowledged the unforeseen consequences of affirmative action and the Saylor amendment on contiguous areas.

> This primitive area was 74,990 acres. I repeat: 74,990 acres. After the first hearing, this was raised to 110,403 acres. Then, after the final hearing, it was brought to the Congress with 142,918 acres . . . The gentleman from Pennsylvania succeeded in getting 2,200 more acres, which makes a total of 145,118 acres, . . .
>
> May I say to my colleagues, if this is going to be the trend in our determination of whether or not primitive areas are to become wilderness areas, and if we are to increase them by 100 percent, then my opinion is that creation of new wilderness areas in the future are going to be very few and far between, because what we proposed in the first place was an additional 5 million plus acres of land, which were then primitive areas to be incorporated, . . .[11]

When the House passed the Saylor-amended bill on October 1, 1967, the lines had been rigidly drawn. The environmentalists were fearful (it later turned out unnecessarily) that if Congress acceded to Forest Service wishes in the San Rafael case, it would forever after "rubber-stamp" Forest Service wilderness proposals. The Forest Service, on the other hand, felt that the very basis of its professional reputation was at stake. If an agency that was identified in the public mind with Smokey Bear could not be trusted to make authoritative recommendations on fire management, what could it be trusted to do? A mere 2,200 acres had assumed a symbolic political importance far beyond their intrinsic worth as wilderness.

According to Congressman Baring:

> I would like to emphasize that this is not a question of the inclusion or exclusion of 2,200 acres of land. It is whether or not the Forest Service, the agency responsible for fighting fires, will be permitted to establish a fireline at the location its experts maintain is the logical and best position to control a fire. I strongly feel that in

matters such as this, the position of the agency concerned with fire prevention must be given weight. In the final analysis they are the ones that must commit men and equipment to the fireline and they are the ones responsible for the safety of the firefighting crews as well as the protection of public and private property from destruction by fire. . . . The issue is one of emotionalism versus professionalism.[12]

John Saylor replied that:

the Forest Service simply does not want to see its proposal changed by the Congress in response to the conservationists' testimony. The Washington headquarters staff of the Forest Service, trying to run this Nation's public forests as though they were European forestmeisters instead of public servants, have dictated their San Rafael boundaries to us, and we are expected to accept them without question.[13]

A House-Senate conference committee decided to drop the 2,200 acres from the bill. Morris Udall had been on the conference committee but had delivered his proxy to another member who accepted the Senate's version. Saylor and Udall attempted to have the bill recommitted to conference but were defeated by voice vote on the House floor. On March 21, 1968, President Johnson signed the bill placing the first primitive area into the Wilderness System. Inadvertently rubbing salt into the Forest Service's wounds, President Johnson turned to Interior Secretary Stewart Udall, who had not been involved with the bill, and said "Good work, Stewart." [14]

Both the environmentalists and the Forest Service had lobbied extremely hard for their proposals. The Forest Service's campaign had been so vigorous that after it was all over Wayne Aspinall lectured Reynolds Florance, the agency's Director of Legislative Affairs, that he never wanted to see such strong advocacy again. To drive home his point, Aspinall punctuated his words with periodic finger jabs to Florance's midsection.[15] John Saylor was incensed and vowed that for every acre of wilderness lost in the San Rafael he would get 100,000 acres somewhere else.[16] He immediately got to work on a bill to create a North Cascades National Park in Washington State by transferring some Forest Service primitive land to the Park Service. To Associate Chief John McGuire, the environmentalits' tenacity on 2,200 acres was the first indication "that they were out to get as much acreage as possible." [17] The Forest Service won on San Rafael but it was probably a pyrrhic victory for it motivated the environmentalists and their congressional allies to work harder on later wilderness initiatives.

One of the next primitive area proposals, the Mount Jefferson, showed that the San Rafael had not established a precedent and that Congress was willing to take a stance independent of both the Forest Service and the environmentalists. The Mount Jefferson Wilderness, located in the Willamette National Forest of Oregon, was to be a thin segment of the scenic Cascade Crest. The Forest Service proposed a 97,000-acre wilderness. The Wilderness Society pushed for 120,000 acres, including the 3,000-acre Marion Lake exclusion and some land that had been partially logged over. The society contended that this land had been deliberately logged a few

years before to keep it out of the Wilderness System. The Forest Service denied any such sinister motive, contending that it had been logged following established plans. Marion Lake was a semideveloped recreation site for boaters and fishermen containing an administrative site, campground, and boat storage facilities. It penetrated 3 miles into the proposed wilderness. If it were excluded there would be a gash in the Mount Jefferson and the possibility of further recreation development which would adversely affect the sense of isolation in the surrounding wilderness. The Forest Service argued that the heavy use and development at the lake precluded its consideration as wilderness. According to historian Ronald Strickland:

> It was evident after the hearings that a strong case had been made both by the Forest Service and by those who advocated Wilderness status for Marion Lake. A discrepancy had appeared between the existing pattern of recreation use and Wilderness Act standards of what a wilderness experience should be. If the lake were included in the wilderness, it would not be, according to Chief Cliff, "an untrammelled area. It is being heavily trammeled." [Untrammeled was one of the adjectives used in the Wilderness Act to define wilderness.] If it were not included, the new Mount Jefferson Wilderness would be unnecessarily narrow and incomplete.[18]

Congress excluded the logged-over area but not Marion Lake, and its committee report directed the Forest Service to remove the recreation facilities and boats and restore the wilderness character of the area. This was interpreted by the Forest Service as a sign that Congress agreed with its strict definition of wilderness.[19] (Several years later the Senate Interior Committee felt it had made a mistake in giving the Forest Service such explicit management direction.) [20] During the next several years the Forest Service followed congressional direction and removed the boats and facilities. It granted several delays to boat owners but in the process stirred up some consternation among the recreationists who had used the area.

Environmentalists sometimes pointed to Mount Jefferson as an example of the agency's "vengeful" application of the purity doctrine but this charge was unfounded because it had scrupulously followed the congressional mandate.[21] The fact that these wishes were expressed in a committee report rather than directly in the legislation made it appear to some that the Forest Service was acting on its own.

One of the most interesting primitive area controversies took place over the DuNoir Basin next to the Washakie Wilderness in northwestern Wyoming. Here for the first time jobs, profits, and the purity doctrine were openly intermingled.

The DuNoir Basin in the Wind River Ranger District of the Shoshone National Forest was directly west of the Stratified Primitive Area. In 1966 the Forest Service proposed to join the Primitive Area with the South Absaroka Wilderness and call the combined area the Washakie Wilderness. The agency left out the DuNoir Basin drained by the East and West DuNoir Creeks and some other smaller areas below the volcanic escarpments of the Stratified Primitive Area.

During the 1960's there had been extensive timber harvesting in the Wind River Ranger District. The biggest customer for National Forest

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timber in the region was the U.S. Plywood lumber plant in DuBois, which employed over 120 workers and was operating at only about 50 percent of installed capacity. The DuNoir Basin was the only valley in the Upper Wind River region that had not been harvested for timber. It contained approximately 100 million board feet of timber, of which at least 30 million was merchantable.[22]

The Forest Service excluded the DuNoir because it wanted to offer its timber for sale and to develop recreation sites in the Basin. The Teton and Yellowstone National Parks had limited the number of campgrounds they intended to build to maintain a planned experience level in the parks. The tourist overflow from these extremely popular National Parks was pressing on the recreational capacities of the neighboring National Forests. Complicating this situation was the fact that between 1921 and 1929 parts of the Basin had been selectively cut for railroad ties.[23] According to a 1981 Forest Service report, 30 to 40 percent of the trees on 11,000 acres of the 28,800-acre area had been cut during that period.[24] Stumps, a few skid roads, which had become jeep trails, and the rotting remains of the tie-hack camps showed the "imprint of man's" work.

Did this disqualify the area as wilderness? The Forest Service, U.S. Plywood, the timber industry, the Governor of Wyoming, and the State stockmen's associations thought it did. Wilderness organizations, outfitters, many of the citizens of DuBois, the Upper Wind River Cattlemen's Association, and the Wyoming Game and Fish Department thought it did not. The Game and Fish Department joined the fray because it was concerned with the fate of a 400-head elk herd that migrated through the Basin. The Department believed that roads providing greater public access to the area would disrupt the herd and force it to go elsewhere. The Forest Service, on the other hand, contended experience had shown that elk could live with development and would willingly cross roads.[25]

The principal advocates for the environmentalists were Clifton Merritt of the Wilderness Society, Orrin and Lorraine Bonney of the Sierra Club, Tom Bell, editor of the High Country News in Riverton and a Wilderness Society cooperator, and William Crump of the Game and Fish Department. Arrayed against them were Governor Hathaway, the manager of the U.S. Plywood plant, and, in varying degrees, officers of the Shosone National Forest. Senators Gale McGee and Clifford Hansen and Wyoming's Representative-at-large, Teno Roncalio, had to make the political decisions in this contentious and sometimes rancorous atmosphere.

In August 1966 a Sierra Club team led by Orrin and Lorraine Bonney of Jackson Hole, Wyoming, inspected the DuNoir Basin and the Stratified Primitive Area. They reported on the unsightly condition of most of the clear-cut land in the Wind River Ranger District and urged that the DuNoir be given wilderness protection as an elk habitat and as an accessible undeveloped gateway to the proposed Washakie Wilderness.

> There is minimum evidence of a few select trees being taken for saw timber along the ridge above West DuNoir Creek. A jeep road runs south from Murray Lake . . . This jeep road could be closed and the forest would soon revert. The upper DuNoir is better forested and the lumbering threat is greater than any other section we saw in the

Stratified Primitive Area . . . Fast action will be necessary to save this part of the country as wilderness.

. . . There are about 2,500 acres of potentially valuable timberland in the extention, mostly in East DuNoir drainage. These areas were logged off at the end of the last century, and the effects are still evident. The quality of the new growth is uneven, though the forest here has made a significant beginning toward recovery of its original character . . . East DuNoir drainage serves as a migration route for elk from the South Absaroka Wilderness Area to the East Fork Elk Winter Pasture on Bear Creek, one of the major reasons for limiting the region to wilderness usage . . . As the largest timbered area in the contemplated Stratified Primitive Area, the two drainages would be vital to reproducing in microcosm the ecology which once characterized the Rocky Mountains, or to be more exact, the latter day derivative of that ecology.[26]

The environmentalists privately acknowledged that the Forest Service was in a very difficult position on the DuNoir. In 1969 Tom Bell wrote to one of his colleagues that District Ranger:

> [Harold] Wadley is under tremendous pressure from U.S. Plywood. The previous ranger had yielded to pressure and the district has been badly overcut. Wadley cut timber sales from about 17 million board feet last year to 3.8 million this year. He told Senator McGee and me that he doubted if the District could now sustain timber yields of 2 million board feet per year from here on out. Nevertheless, Plywood is threatening him—and could eventually get him transferred. He is not a patsy for anyone. We are not going to stampede him nor is U.S. Plywood. But he is trying to do the right thing and I think we should support him.[27]

Shoshone National Forest Supervisor, Jack Lavin, defended the Forest Service's proposal at the public meetings but when questioned about other areas that had gone into the Wilderness System despite evidences of past human activity, he replied that the final decision rested with Congress and that the Service would abide by that decision.[28]

From his position as wilderness staffer in the Washington Office, Bill Worf enumerated to William Isaacs of the Wyoming Wildlife Federation six reasons why the DuNoir should be left out: (1) the Wilderness Act provided only one set of criteria for both allocation and management and that if areas like the DuNoir went into the system, the Forest Service would be pressured to ease up on its management restrictions; (2) the 679,520 acres in the Forest Service proposal was "an adequate Wilderness unit"; (3) the Forest Service had to recognize other resource values such as timber and family recreation; (4) over 52 percent of the Shoshone National Forest was already in the Wilderness System; (5) both the Park Service and the Forest Service had pending wilderness proposals in other parts of western Wyoming; and (6) "some hunters and some outfitters prefer that elk hunting country remain unroaded. I, too, enjoy my hunting much more where the folks in jeeps cannot get, but it doesn't follow that Wilderness status is necessary to maintain an elk herd."[29]

The DuNoir convinced many environmentalists that the purity doctrine was not so much a consistent philosophical proposition as a practical attempt to limit the amount of wilderness acreage. According to Tom Bell:

> It seems to me that such a definition [in the Wilderness Act] leaves much latitude. Congress must have intended it that way for some of the very first areas included within the system had selected cut-over areas within the wilderness (Bob Marshall Wilderness Area, Montana, being the best example). Only the past week Congress included the Desolation Wilderness in California which has within it two dams and reservoirs. After the Bridger Wilderness was included in the system, a steel bridge was brought in and placed by the Forest Service for the convenience of people. There is a mining ghost town high in the Big Horn Mountains and well within the Cloud Peak Primitive Area [in Wyoming]. We are trying to ask for its inclusion and I am certain the Forest Service will also.
>
> So what is substantially unnoticeable? Or untrammeled by man? How selective do you get?
>
> You can easily see that on certain areas where the Forest Service doesn't want to include an area, or where it is under pressure not to do so, it is very easy to fall back on the purity of the area in question . . .[30]

By 1969 Senator Hansen had decided that the DuNoir should be excluded from the Washakie Wilderness, although he opposed immediate timber harvesting. Senator McGee and Congressman Roncalio supported the inclusion of the Basin. Roncalio was especially adamant that the lingering signs of human activity in the DuNoir did not disqualify it as wilderness. During an inspection trip to the area, he underscored this point by kicking an old stump and exclaiming as it disintegrated under his feet: "So much for the imprint of man." [31]

In August 1970 Hansen and McGee reached a compromise on the Washakie proposal. Hansen agreed to accept additional acreage in the Ramshorn area near the DuNoir Basin in exchange for McGee's promise to support an amendment placing the DuNoir in a special management unit in which timber harvesting and further road construction would be prohibited. In addition, the Forest Service was to study the Basin and give Congress its recommendations within 5 years. Wyoming conservationists agreed to accept the compromise after being told by McGee that it was essential to get the bill out of the House and Senate Interior Committees.[32] Clif Merritt protested to Tom Bell that Wyoming conservationists had been close to their goal of including the DuNoir and that a special management unit could establish a bad precedent that could be used to exclude other areas from the Wilderness System.[33] (The Forest Service also was not pleased with the concept because of a concern that it might lead to more legislative "zoning" of the National Forests.) Merritt's arguments convinced Tom Bell and a month later he informed Hansen that the Wyoming Outdoor Coordinating Council, of which he was executive director, was withdrawing its support from the compromise.[34] Aware that the compromise was still supported by other Wyoming conservationists,

such as the Bonneys, Hansen replied to Bell that he would continue to advance it.

> I feel that I could take exception to several points in your letter, but I think it will be sufficient to say that I realize that there are others besides conservationists who feel that the boundaries are not precisely right and that some areas should have been deleted, just as you believe some should have been added. Likewise, for many the restrictive language controlling the DuNoir is not acceptable.[35]

The Senate passed the compromise bill. Roncalio's strong advocacy in the house succeeded in getting the DuNoir in its bill, but the Senate-House Conference committee restored the compromise provision. The Washakie Wilderness was signed into law in October 1972.

During the next several years the Forest Service studied the DuNoir. At first the agency recommended that 11,000 acres at the higher elevations be designated as wilderness and that the rest be released for other uses. When Rupert Cutler became Assistant Secretary of Agriculture for Conservation, Research, and Education in April 1977, he directed the Forest Service to be less restrictive in evaluating evidences of past human activity in wilderness studies. On April 1, 1978 the Forest Service held a public hearing on its proposal in Dubois. Sixty-three of the eighty participants spoke in favor of wilderness designation for the area. As a result, the Service decided that the entire DuNoir basin was worthy of wilderness protection. In 1978 Roncalio sponsored a bill adding the 28,800-acre Special Management Unit (plus about 5,000 acres of contiguous roadless land) to the Washakie Wilderness. He was critical of Louisiana Pacific's purchase of the U.S. Plywood plant in 1974 and refused to help them out of what he thought was a bad management decision by opening all or part of the DuNoir to timber harvesting. Senator Hansen refused to support the bill, arguing that Roncalio had already gotten the 15,000-acre Savage Run Wilderness into the system (as part of the Endangered American Wilderness Act) during that congressional session.[36] At the time of this writing the fate of the DuNoir is still being debated, although it is protected from development unless and until Congress determines otherwise.

The Parker Decision, discussed next, was an important episode in the wilderness movement. During the 1950's and 1960's wilderness organizations did not resort to the judiciary. They knew that the courts adhered to the principle that the "sovereign" was immune from unconsented law suits against its administrative actions and that private individuals or organizations could not gain "standing" to sue unless they could prove that they had suffered or could suffer personal economic injury.

Beginning with the landmark Scenic Hudson decision of 1965, where the judge found in favor of local and ad hoc conservation organizations opposing a proposed hydroelectric project that was to be licensed by the Federal Power Commission, the courts began to re-define and liberalize the conditions under which the Federal Government could be sued.[37] In 1969 wilderness organizations had their first opportunity to test these recent judicial precedents.

East Meadow Creek was a largely undeveloped area directly west of the Gore Range-Eagles Nest Primitive Area on the White River National

Forest in north central Colorado. It was about 9 miles north of the ski resort town of Vail, which had been built in 1964. Like the DuNoir Basin, East Meadow Creek was not too high, rugged, or inaccessible for the ordinary hiker. According to Rupert Culter writing in his 1972 doctoral dissertation, East Meadow Creek

> functions as the gateway to that popular backpacking, horseback-packtrip, and big game hunting area for wilderness travelers who begin their trips at the ski resort town of Vail. The East Meadow Creek drainage is rolling, timbered high country at a 9,200- to 15,000-foot elevation. Small meadows and park-like stands of old-growth Englemann spruce, lodgepole pine and fir contrast there with dense thickets of young lodgepole pine and fir, the aftermath of fire. The area's claim to importance as a fish and wildlife habitat is based in part on its role as an elk migration route and nursing ground.[38]

In 1962 the Forest Service drew up a plan to log East Meadow Creek, and 2 years later built an access road to the border of the area. A low-standard truck-trail had been constructed in the area in the 1950's in an effort to combat a bark beetle infestation. After the passage of the Wilderness Act, the Regional Office in Denver sent an investigator to see if the area should be added to the primitive area. He recommended that it be excluded because of the "bug road," which was used by motor vehicles, the existence of some private inholdings and unpatented mining claims, and because it fell "outside the ridge top hydrographic divide, a recognizable natural feature to serve as the wilderness boundary for ease of identification and administration." [39]

The White River Forest Supervisor and the Eagle District Ranger favored logging East Meadow Creek to provide sufficient timber "for established sawmill operators." The Regional Office had to approve the sale because it exceeded the 5 million board feet that the Supervisor could authorize on his own authority. The Regional Office faced a dilemma because the primitive area review had not ben completed; and, if it approved the sale, it could be accused of "trying to control wilderness classification by timber harvesting." [40] Regional Forester David Nordwall decided that only a few of the proposed timber blocks would be put up for sale and that a buffer zone would be left between the sale area and the boundary of the primitive area. His compromise did not work.

> Once again, however, the Forest Service was caught in the crossfire between two potent interest groups. Both groups claimed that the Forest Service was usurping the prerogative of Congress to establish wilderness boundaries. Wilderness proponents saw implementation of any or part of the timber sale as effectively reducing the size of the area which could be recommended to Congress for Wilderness Act protection. On the other hand, the forest products industry saw the Regional Forester's decision to postone the sale of eight of the fourteen cutting blocks in the East Meadow Creek unit as an unauthorized expansion of the primitive area's boundary prior to any action by Congress sanctioning the closure of this national forest land to logging.[41]

Citizens of Vail were especially agitated. They argued that the sale had been planned in 1962, before the establishment of their town, which depended on recreation dollars for its existence. Some of them approached Clif Merritt in Denver, who told them that an injunction was the only solution. He suggested they contact Tony Ruckel, a young environmentally minded criminal lawyer (he now works for the Sierra Club Legal Defense Fund) who had recently moved to Denver from Washington, DC, where Merritt had known him.[42] Ruckel agreed to take the case for a modest fee, while freely contributing some of his own time. Court expenses, including a $10,000 bond required by the court, were paid largely by the Sierra Club, which, along with 12 citizens of Vail, and several Colorado conservation organizations, was one of the plaintiffs in the case.

The conclusion was far from predictable when Ruckel filed a motion for a preliminary injuction before District Court Judge William E. Doyle in April 1969. Merritt had tried to persuade The Wilderness Society to join the suit because if "successful, this case will set a great precedent in requiring complete re-evaluation of Forest Service practices in this region."[43] The society declined Merritt's offer because it feared the case would drain its limited financial resources and because it had received advice such as the following from a Washington lawyer, who, like many of his colleagues, had not yet assimilated the implications of the Scenic Hudson decision.

> It is the law that the United States cannot be sued without its consent. . . . On this principle the Government is on sound ground in moving to dismiss.
>
> The principles listed above are elementary. I do not think the plaintiffs have a chance. They may succeed in getting some publicity and in interfering with the inevitable course of events. If this is their purpose, which cannot be the case, the action is an abuse of judicial process.
>
> In this last sense, ignorance of the law may be a defense.[44]

At first Ruckel thought that he could base his case on the Multiple Use Sustained Yield Act, but Merritt convinced him that the act's language was too broad to be used as the principal argument. He (and other environmentalists) directed Ruckel to the Wilderness Act which said "nothing herein contained shall limit the President in . . . recommending the addition of any contiguous area of national forest lands predominantly of wilderness value."[45] At the preliminary hearing Judge Doyle told Ruckel that if he had a case it would be based on that provision of the Wilderness Act. According to Merritt, "from that time on that was the only issue."[46]

Judge Doyle was at first skeptical of the plaintiffs' arguments but gradually came around to accepting them.[47] He upheld their right to sue the Federal Government, accepted the evidence presented by "star witnesses" Clif Merritt and Bill Mounsey that East Meadow Creek was "predominantly of wilderness value" (despite Forest Service arguments that the "Bug Road" disqualified it), and interpreted the language of the Wilderness Act to mean that the Forest Service must refrain from developing a contiguous area which was potentially of wilderness value until the President and Congress had acted on the agency's recommendations. On

February 17, 1970, Judge Doyle found in favor of the plaintiffs and permanently enjoined the timber sale. On October 1, 1971, the Tenth Circuit Court upheld Judge Doyle.[48]

The Forest Service and government attorneys thought "bad" law had been made because they believed the Wilderness Act did "not require review of every contiguous acre of land of wilderness character by the President and Congress but does not prohibit such consideration." Russell Train, the Director of the Environmental Protection Agency, proposed that the President issue an Executive order affirming the validity of the circuit court's decision. The Forest Service successfully opposed Train's suggestion.[49] The Department of Justice appealed to the Supreme Court, which refused to hear the case.

The agency realized that technically the decision only applied to the Tenth Circuit. However, it was clear to many in the Service that they would have to bear the decision in mind whenever they wanted to develop lands contiguous to primitive areas anywhere in the National Forest System. Along with the Lincoln-Scapegoat situation, to be discussed in the next chapter, the Parker Case (named after one of the plaintiffs) pushed up the timetable when the Forest Service would have to confront the general issue of the future management of its millions of acres of undeveloped forest land. Confident that contiguous areas they were interested in would be protected, the environmentalists could shift their attention to other types of undeveloped National Forest land.

Notes to Section I

1. Interview with Clifton Merritt, Denver, CO, 6/23/83, Forest Service History Section (FSHS).

2. Ferdinand Silcox, letter to Warren Eaton, 11/8/35, Denver Conservation Library, (DCL), Wilderness Society Records (WSL), San Rafael, Scapegoat and other Wilderness Areas Box.

3. Telephone interview with Richard Costley, 4/27/83, FSHS.

4. Forest Service, San Francisco, Division of Recreation Records, 12/3/65.

5. Same.

6. Same.

7. "Release to Cooperators, 4/4/67," DCL, WSR, Box 2.

8. Bill Worf, letter to the author, 5/15/84, FSHS.

9. Interview with Rupert Cutler, New York, NY, 7/21/83, FSHS.

10. Interview with Brock Evans, Washington, DC, 7/15/83, FSHS.

11. Quoted in Ronald Gibson Strickland's "Ten Years of Congressional Review Under the Wilderness Act of 1964: Wilderness Classification Through Affirmative Action", Ph.D. dissertation, Georgetown University, 1976, p. 56.

12. Congressional Record, 3/5/68, p. 5238.

13. Congressional Record, 3/5/68, p. 5242.

14. Cutler interview, cited above.

15. Same.

16. Same.

17. Interview with John McGuire, Washington, DC, 6/16/83, FSHS.

18. Strickland, "Ten Years of Congressional Review," cited above, p. 77.

19. Doug Scott, letter to Senator Floyd Haskell, 2/26/73, DCL, WSR, Eastern Wilderness Box.

20. Report on H.R. 3454, Report No. 95–490, Senate Committee on Energy and Natural Resources, 1977, p. 7. .

21. Interview with Dick Joy, Washington, DC, 6/16/83, FSHS.

22. DCL, WSR, Box 45, Wyoming State Journal, 2/15/68.

23. Chief Edward Cliff, "San Gabriel, Washakie, and Mount Jefferson Wilderness Areas," Hearings Before the Subcommittee on Public Lands, U.S. Senate, 90th Cong. 2nd Session, 1968, p. 17.

24. "Biological Evaluation R2–81–6," Forest Service, State and Private Forestry, Denver, Colorado, 1981.

25. DCL, WSR, Box 45, Wyoming State Journal, 2/12/68.

26. DCL, WSR, Box 45, "Sierra Club Study of the Washakie," 8/66.

27. Thomas Bell, letter to Joe Green, 10/8/69, DCL, WSR, Box 45.

28. DCL, WSR, Box 45, Wyoming State Journal, 11/28/68.

29. William Worf, letter to William Isaacs, 10/13/67, DCL, WSR, Box 45.

30. Thomas Bell, letter to Joe Green, 10/8/69, DCL, WSR, Box 45.

31. Interview with Tim Mahoney, Washington, DC, 6/15/83, FSHS.

32. Gale McGee, letter to Keith Becker, 9/15/71. DCL, WSR, Box 45.

33. Clifton Merritt, letter to Orrin Bonney, 4/15/71, DCL, WSR, Box 45.

34. Thomas Bell, letter to Clifford Hansen, 9/22/71, DCL, WSR, Box 45.

35. Clifford Hansen, letter to Thomas Bell, 10/25/71, DCL, WSR, Box 45.

36. Interview with Andy Wiessner, Washington, DC, 5/20/83, FSHS.

37. Malcolm Rupert Cutler, "A Study of Litigation Related to Management of Forest Service Administered Lands and its Effect on Policy Decisions", Ph. D. dissertation, Michigan State University, 1972, pp. 1–12.

38. Same.

39. Same.

40. Same.

41. Same.

42. Merritt interview, cited above.

43. Clifton Merritt, letter to Stewart Brandborg, 5/2/69, DCL, WSR, Box 42.

44. Frank J. Barry, letter to Stewart Brandborg, 5/20/69, DCL, WSR, Box 42.

45. Meritt interview, cited above.

46. Same.

47. Telephone interview with Tony Ruckel, 7/27/83, FSHS.

48. Cutler, "Litigation," cited above, p. 103.

49. Records of John McGuire, Parker Case, FSHS.

II. The Lincoln-Scapegoat—The First De Facto Bill

The primitive area reviews and the Parker Case involved land already protected by the Forest Service or contiguous to such land. But there were millions of other undeveloped acres of Forest Service land that were either contiguous to established wilderness areas or detached. Neither were covered by the primitive area reviews or the Parker Decision. Environmentalists called these "de facto" wildernesses, a term that the Forest Service usually avoided because of the implication that de jure status was just around the corner. In fact until World War II perhaps as much as two-thirds of the National Forest System was essentially undeveloped.

> For forty years, from 1900 until 1940, the administration of the national forests in the west was pretty much a job of custodianship. These were the days of the pack-string, the lookout towers, and the isolated fire guard stations. The national forests were de facto wilderness, largely unaltered from their primeval conditions, seldom visited by man, and the "hard-rock" forest rangers came to hold a deep affection for this wild uninhabited country. But as World War II approached and arrived, a demand for timber products made a lasting impact on the national forests. The Custodial Era began to fade as the Management Era dawned: logging trucks and power saws thundered in the woods, timber production climbed gradually during the war and skyrocketed after it. The long pent-up civilian demand for houses (among other things) produced a building boom of heroic proportions.[1]

The first wilderness bills had been put forward primarily to prevent the development forces of the "Management Era" from encroaching on the Forest Service's primitive areas. Some environmentalists anticipated that other undeveloped parts of the National Forest System would need legislative protection. The Wilderness Act of 1964 said nothing about de facto wildernesses in the National Forests, although it required two Interior Department agencies to study their roadless areas for possible wilderness designation. The statutory authority for studying de facto national forest areas was contained in the Multiple Use Sustained Yield Act of 1960, a piece of legislation that the environmentalists had, for the most part, resisted. The law stated that the "establishment and maintenance of areas of wilderness are consistent with the purposes and provisions of this Act."

The Forest Service 1964 Wilderness Task Force recognized that de facto areas eventually would have to be considered but the agency's leadership hoped to wait until at least 1974, the year the primitive reviews were to be completed, before it began a formal study of these areas.

"Precedent" is often a cliché word when used outside its technical meaning in the law. In the early years after the passage of the Wilderness Act it was frequently uttered by agency personnel charged with interpreting the act and anticipating congressional intentions. It was applied to the

Lincoln-Scapegoat controversy, which was not an exaggeration given the impact this controversy would have on wilderness politics.

The Lincoln Back Country was originally an area of 75,000 acres of undeveloped forest land in the northern half of the Lincoln Ranger District of the Helena National Forest, 12 miles north of the town of Lincoln in the northwestern part of Montana. To its north, separated by the Scapegoat Mountains, lay the Bob Marshall Wilderness, the "jewel" of the Forest Service's wilderness system. Scenically undistinguished from "literally millions of similar acres in western Montana," [2] the Lincoln Back Country was nevertheless an important hunting, fishing, and hiking area for people converging on it from Missoula, Butte, Helena, and Great Falls. Called the "Poor Man's Wilderness" because it was easily accessible to day hikers and did not require the services of an outfitter, it had been a favorite camping area of Clif Merritt, who became The Wilderness Society's western regional representative in 1965. The Lincoln Back Country, which had been named by its longtime booster, Cecil Garland, was not formally protected by the Forest Service. However, a sign at an entrance to the area prohibited the use of motorized vehicles, which, according to Merritt, led many people to believe that it was a wilderness.[3]

Forestry professor R.W. Behan of the University of Montana stated in 1965 that the Back Country's timber resources were meager: "isolated patches of larch-fir type and a scattering of sawtimber of spruce are found in the vicinity of Heart Lake and in the Meadow Creek watershed respectively, but the negligible values involved could not, under foreseeable cost-price conditions, justify the investment in access-roads necessary to reach them." [4] But what it lacked in timber and scenery was compensated for by an abundance of game and fish. For instance, more than 10 percent of the grizzly bears killed each year in Montana came from the Back Country. It was an ideal undeveloped recreation area because, as Forest Service personnel eventually would conclude, its fragile soils and shallow lakes would deteriorate under the impact of heavy recreational use. Moreover, its unspectacular scenery (by western Montana standards) did not make it the best place to locate scenic overlooks.[5]

Professor Behan attributed the origin of the controversy to the "telescoping" of events in the Lincoln area. In other parts of western Montana pressures to develop the National Forests had been growing for nearly two decades, but in the Lincoln area they were compressed into a period of 3 short years. Before 1957 Lincoln was the epitome of the sleepy, isolated western town.

> A one-lane dirt road was the only means of access to Lincoln from Ovando, 24 miles west, and the route was not better from the east side of the [Continental] Divide. Traffic between Missoula and Great Falls, the nearest propulation centers to the west and east, respectively, flowed in a devious routing through Helena, a detour of some 80 to 100 miles; the point is that no one ever drove through Lincoln. The road, when passable, was treacherous. But people could go to Lincoln, and just as the road provided ingress, so would it have provided egress for those who wished to leave. Most of the people in Lincoln, though, did not leave; they seemed to tolerate if not actually

to prefer their isolated, quiet, idyllic winters, the superb hunting and fishing, and life the way it had been more or less since Lincoln began. In short, "progress" had effectively bypassed Lincoln and no one there seemed to mind too much, for it is a safe guess, provided the marginal roads out of town which were nevertheless roads, that the people in Lincoln were there because they chose to be, and they liked it.

Over the years, Lincoln became known as a base of operations for commercial guides and packers. It was a jumping-off point for entry into the Bob Marshall Wilderness by a low pass into the Danahar Valley. And not infrequently did the local outfitters take their "dudes"—mostly out-of-state people—into the Lincoln Back Country. By word and deed the regional and national reputations of the Lincoln outfitters grew, and so did that of the Back Country.[6]

Forest Service personnel were compatible parts of this setting. The Lincoln District Ranger and the Supervisor of the Helena National Forest had been on the job for nearly 20 years. They were representatives of the "custodial" era and were enthusiastic users of the Back Country (the Supervisor had formed a Back Country trail-riders group in Helena), and "both had shared the burden of long hours, low pay, relative obscurity, and no thanks that had been the accepted (and frequently the preferred) lot of Forest Service people for many years." [7]

As these two people prepared to retire in the late 1950's, plans were being laid in the Forest Service Regional Office in Missoula to develop the Back Country with a system of roads that would open it to timber harvesting and campground construction. The timber harvests were to pay for the roads and recreational developments that were the primary goals of the plan.

In 1957 Montana Route 20 had been completed linking Ovando, Lincoln, and Great Falls with a paved highway. In addition to truck traffic, the highway brought many automobile recreationists and potential mining development to the Lincoln area. A sawmill soon followed, adding 115 jobs to the local economy. Under these conditions of rapid change the situation was ripe for conflict between the Forest Service's desire to develop the Back Country and some local inhabitants who resented any disruption of their way of life. In fact, in later years the Forest Service occasionally would portray the struggle as one between progress and conservative resistance to change.[8]

According to Professor Behan:

> On the one hand there was poised a vigorous and growing agency with a heritage of crusading hard work and the administrative toughness to resist local controversies . . .
>
> On the other hand was anachronistic Lincoln, still a frontier town, an island in the riptide of postwar America. Here was represented the Rugged Individual, and a pioneering, roughing-it attitude that the people directed toward their wilderness of mountains, lakes and forests.[9]

By 1960 Lincoln residents had gotten wind of the Forest Service's development plans for the Back Country. In response to these rumors, three individuals, including a retired petroleum executive, William Meyger (who died in 1962), and a Forest Service campground foreman, Cecil Garland, formed the Lincoln Backcountry Protection Association. Although it was equipped with stationary and a letterhead, it had added only two new members by 1962 and was relatively inactive. The association's original goal was to delay development in the Back Country for about 10 years. They did not begin to lobby for wilderness designation until February 1964.[10]

Cecil Garland, a self-educated, "colorful character" from the Great Smoky Mountains of North Carolina, became the Association's president in 1962. He operated a hardware and sporting goods store in Lincoln and had worked four summers as a campground foreman for the Forest Service. He resigned when he realized that he could not pursue his goals from within the agency. Later he bitterly charged that the Lincoln Ranger District was over-staffed, that he had often been an unwilling "gold-brick" and that the Back Country was being developed to give idle Forest Service hands some useful work. While not accepting Garland's analysis of its motives, the Regional Office placed enough credence in his charges to direct the Helena Forest Supervisor to monitor more closely the district's administration.[11]

In 1962 Wallace Dresskill, Assistant Regional Forester, gave his boss, Boyd Rasmussen, a portrait of the man who would be primarily responsible for the Scapegoat Wilderness Act of 1972.

> Mr. Garland is an intelligent, energetic individual of 37. His formal education consists of elementary grades and four years at an agricultural vocational school in North Carolina. He quotes a variety of authors and recites statistics from memory. He had memorized his letter to you of the "wrongs" on the Lincoln District and practically repeated it verbatim. He started his discourse by describing the circumstances which led to the Declaration of Independence and compared it with the situation on the Lincoln District. He questioned the accuracy of the timber inventory, the economies of selling timber; the method of performing sale area betterment; the method of slash disposal; the practice of scaling private timber; the need for campgrounds; the judgment of the ranger in fire suppression; and the efficiency of the Ranger District administration . . . We will probably hear further from Mr. Garland.[12]

Tom Edwards, a former school teacher who had been an outfitter in Ovando for many years and was an early member of the association, was also an important figure in the effort to preserve the Lincoln-Scapegoat area. He travelled twice to Washington, DC, to testify before congressional committees and in 1969 gave an eloquent personal testimony on behalf of the Lincoln-Scapegoat.

> Into this land of spiritual strength I have been privileged to guide on horseback literally thousands of people—the old, many past 70, the young, the poor, the rich, the great and little people like myself. I

have harvested a self-sustaining natural resource of the forest of vast importance. No one word will suffice to explain this resource, but let us call it the "hush" of the land. This hush is infinitely more valuable to me than money or my business . . .

The Forest Service proposed roads in this fragile land may satisfy the clamor of the masses but the hush of the land that the masses really seek will be crushed forever . . .

In consideration of these bills, from my point of view, it is unwise in the long run to be overly concerned about the outfitter for he is only a vehicle in the scheme of harvesting this wilderness resource. The group who really uses this resource and pays the bill is the public, the people the outfitter takes into the area. And what are these people buying? Is it fishing and hunting? Not for the most part. I would have gone broke years ago if this had been the case. As I said before, most come to this country to buy the "hush of the land" . . .

I know well the plan of the Forest Service. I've read it and discussed it with its authors and proponents. They sincerely feel that small islands of wilderness can be kept unsullied and undamaged. But how can we stand on that great Scapegoat Mountain looking down at its foot at bulldozers, trucks and cars at the heads of the Dry Fork, Cabin Creek, and Tobacco Valley, listening to the hideous noises of modern devices and trying to kid ourselves that we are enjoying the wilderness and partaking of its goodness . . .

This is the second time I've travelled across the Nation from Montana to represent a vast unseen audience who know this wilderness because they have been there . . . I must keep faith with them. Around countless campfires year after year they have urged me to speak for them when and if the time ever came to save this Lincoln Scapegoat Back Country . . .

With all my being I urge you—don't let this majestic land down—don't let beer cans and the human filth that inevitably comes with a road lay waste to so priceless a heritage of our great nation.[13]

In March 1963 the Forest Service distributed its long-range plan for building roads into the Back Country. It also called for the exclusion of roads from 15,000 acres, which were to be placed in a Forest Service-designated Scenic Area. The plan had been approved by a majority vote of the Helena National Forest Advisory Council, an organization made up of a representative sample of users of the forest. Later some members claimed that they had approved the plan under the assumption that it would be put into effect over a 99-year period.[14]

Cecil Garland remembers his reaction to the possible implementation of the plan.

At that time a young Forest Service engineer quietly came into our store in Lincoln . . . and told me that the U.S.F.S. had abandoned a full survey of the road to the Lincoln Back Country and was now running only a "flag line" in their haste to build the road and then to quell the opposition. This young engineer in despair also told me that a bulldozer was sitting at the end of the road ready to drive into that country I had come to love above all else.

It was then that I knew that time was exceedingly short and in great desperation I went to the phone . . .

Finally I called Congressman Jim Battin and he answered the phone and I began to pour out my heart to him in a most pleading and earnest manner. Well, somehow he must have understood for he said he would help me and that he would send his aide up to visit us.

Congressman Battin then called Regional Forester Boyd Rasmussen on the phone and asked if he could have 10 days to see what was going on up at Lincoln. Mr. Rasmussen replied that Mr. Battin did not have ten days, that the bulldozer was ready to go.

Whereupon Congressman Battin told the Regional Forester that "By God, we had better have ten days." This incident is a classic example of democracy at work. Citizen goes to Representative; Representative goes to Bureaucrat. And at this time I believe the tide turned in our favor.[15]

At the end of the month the Helena Forest Supervisor held a meeting at the Lincoln Lions' Club to discuss the plan. Some opposition was expressed, and the Forest Service decided to hold a full public meeting on the matter. On the evening of April 19, "some 300 people jammed into the small Community Hall in Lincoln." The Forest Service set the ground rules for the meeting—supporters and opponents were to alternate and there was to be no voice vote at the end of the meeting. Opponents of the development plan felt they had been "gagged," and a "near riot" took place. The level of bitterness over the plan began to increase dramatically. The association's membership rose to 50 and it soon received the backing of the Montana Wilderness Association, an organization Clif Merritt had helped form in 1956, and the Montana Fish and Game Department. Senator Lee Metcalf wrote the Forest Service asking it to delay development of the Back Country. During the next several months the Forest Service received no letters supporting its plan. The timber industry had expressed initial approval of the plans for timber harvesting but was heard from less and less as the controversy grew. According to Professor Behan: "Clearly, it seemed, the 'opposing interests' were the consensus [to delay development] on one hand and the Forest Service itself on the other." [16]

In June 1963 the Forest Service made a slight modification in the plan by eliminating part of a road, and in October the Regional Forester, Boyd Rasmussen, visited the area and came out strongly in support of the plan. Rasmussen's use of planning terminology to justify development of the Back Country illustrates why wilderness advocates were suspicious of, or at least ambivalent toward, the first modern forest planning legislation, the Multiple Use Sustained Yield Act of 1960.

In addition to these classified areas [wilderness and primitive areas], the National Forests of Montana include many thousands of acres of land that are primitive in character simply because planned development has not reached them. The Lincoln area is an example. These areas contain the bulk of future recreation development sites . . . Their timber is included in long-range timber management plans and the present allowable timber cut from the National Forests is

based upon the eventual harvest of both the merchantable stands and the young growing stock which they contain.

These still undeveloped areas are composed of topographical units which are separable for discussion purposes but which must be tied into and treated as parts of larger integrated management units for intelligent development planning and the eventual use of their resources to serve the basic economy of Montana. Indiscriminate or patchwork "setting aside" of undeveloped land limits recreation potentials, decreases allowable timber harvests, and even more important may block or adversely affect the future management of adjoining areas.[17]

In late 1963 Robert Morgan became the new Forest Supervisor of the Helena National Forest. After looking over the situation, he decided to delay development until "absolutely necessary." (He was not personally for wilderness designation until several years later.) In a tactfully written memo in January 1964, Morgan told his superiors that although there was some passive support for the Forest Service's plan, "we will get no active support from the man on the street." He said the plan was "basically very sound" but that it was open to question on several points. He pointed out that the agency did not have a complete timber inventory of the area, that some timber of marginal quality had been sold, leaving an occasional "mess" behind, that neighboring National Forests were not fully coordinating their plans with the Helena, and that the developed campgrounds around Lincoln were not being fully used. Morgan counseled the Regional Office that the Forest Service could probably win the Back Country battle if it were willing to go all out but that in the process it would pay a severe public relations price which might jeopardize some of its other programs in Montana. He concluded that:

The above approach appears as somewhat a compromise attitude. This is not good, and I realize the total effect may be a "drawing out" of the battle. On the other hand, we should maintain faith in managing according to actual resource needs and priorities. A stab at development before we are in a position with plans and finances to do a first class job could in the long run be worse than no development. I believe the need for developed recreation will assert itself undeniably, so that this argument will for the most part resolve itself in the interim. The on-the-ground job we do in management in the interim must also be sound enough to dispel apprehension.[18]

Morgan's "compromise attitude" was not well received in the Regional Office which wanted to begin road construction as soon as possible. Morgan and a succession of Lincoln District Rangers resisted that pressure. Over the next few years Morgan heard some rough words from his superiors, who undoubtedly questioned his loyalty and felt that he had caved in to local demands.[19] On the other hand, Clif Merritt felt that Morgan's temporary moratorium "was the wisest thing to do because the Forest Service began to look at the area more objectively and to talk to local citizens."[20] (Several years after the passage of the Scapegoat Wilderness bill, Morgan, with the congratulations of the Regional Office, received

an award from an environmental group for his part in preserving the Lincoln-Scapegoat area.)

When the Lincoln Back Country Protection Association met in February 1964, Cecil Garland convinced its members to support wilderness designation for the area because Bob Morgan could not commit the Forest Service to a 10-year moratorium. Garland also advocated that the wilderness be expanded to 200,000 acres to take in the Scapegoat Mountain region which adjoined the Bob Marshall Wilderness. Morgan reported that "it is clear that the group is determined to see that the area is preserved through whatever means possible. The group pretty well represents Western Montana conservation organizations." [21]

By this time The Wilderness Society in Washington was beginning to take note of the Back Country. In August 1964, just 3 weeks before the passage of the Wilderness Act, Harvey Broome, the president of the society, his wife, and Clif Merritt visited the area. According to Morgan, who escorted the trio into the Back Country: "Mr. Broome was obviously impressed with the area in question. I gathered that the society is definitely committed to support the request for the wilderness addition." [22]

Clif Merritt had camped in the Back Country as a boy and when he saw a road stake in his family's camping area he came to the sudden "violent" conclusion that they "would build a road there over my dead body." A few months later Merritt became The Wilderness Society's western regional representative in Denver and was a principal figure in the effort to get statutory protection for the area.[23]

In April 1965 Democratic Senators Lee Metcalf and Mike Mansfield introduced a bill to protect 75,000 acres of the Back Country under the Wilderness Act. Montana conservationists approached Republican Congressman Jim Battin and told him about the Metcalf-Mansfield bill and that there were more acres that could be included. Merritt remembers that "Big Jim had his big feet on a desk and when he heard this, they came down fast . . . Jim saw this as an opportunity to leapfrog members of the other party." Battin introduced a bill calling for a 240,500-acre Lincoln-Scapegoat Wilderness. Metcalf and Mansfield, who, Merritt concedes, had not been fully informed about the situation, soon switched their support to the Battin bill.[24]

Some local citizens suggested that the Lincoln-Scapegoat be added to the Bob Marshall Wilderness but Clif Merritt successfully argued against that strategy. He contended that it would be bad "psychologically" because opponents could have replied that the 1-million-acre Bob Marshall was already big enough. The Bob Marshall rather than the Lincoln-Scapegoat then might have become the issue. Merritt, like Brock Evans, knew from experience that the environmentalists were strongest when they concentrated on individual areas.[25]

The Lincoln-Scapegoat bill was the first strictly citizen wilderness proposal made after the passage of the Wilderness Act. Since it did not involve the expansion of a primitive area, it was not explicitly covered by the study and review procedures of the Wilderness Act. The unique, potentially precedent-setting nature of the bill was one of the main reasons why its passage was delayed until 1972. The Forest Service leadership in

Washington was concerned that its passage would unleash similar proposals at a time when its work force was committed to finishing on schedule the primitive area reviews mandated by the Wilderness Act.

In 1968 the Senate Interior Committee held hearings in Montana on the bill. Montana citizens and their four congressional representatives strongly supported it and little opposition was expressed. A retired forest entomologist and disgruntled Wilderness Society member expressed a minority view on the need for some developed recreational facilities in the Back Country.

> Specifically, I am concerned that I shall no longer be able to enjoy the wonders of wilderness areas the creation of which I strongly supported. Why? Because I am getting too old to backpack into them and I cannot afford the prices asked by most outfitters. Furthermore, as an occasional hiker on short wilderness jaunts, I am increasingly infuriated by having to shuffle mile after mile along trails churned to powder by pack animals and liberally dotted with the manure of these animals used by the more affluent members of the wilderness set.[26]

As Bob Morgan later recalled, the 1968 hearings were "disastrous" for the Forest Service. Pointing to severe erosion caused by road construction in an area near the Lincoln-Scapegoat, Senator Metcalf testily asked Morgan how the Forest Service "could justify that". Morgan could only reply that "I can't." [27]

Soon after the hearings the Forest Service published a new plan for a 500,000-acre area, which included the Lincoln-Scapegoat. The plan called for some land to be administratively protected as "backcountry" and for the construction of a 75-mile scenic Continental Divide Highway through the Lincoln-Scapegoat. Local environmentalists were not placated. They argued that the Forest Service should have studied only the 240,000 acres of the Battin bill and that a Continental Divide highway which would be open only a few months of the year was not necessary.[28]

The Forest Service was becoming frustrated over an issue which refused to go away. In early 1969 this frustration moved Regional Forester Neal Rahm to tell a meeting of the agency's leaders that a "backcountry" land category, intermediate between complete wilderness and developed campgrounds, was needed. His remarks were also the first indication that the Regional Office was bowing to the inevitability of wilderness designation for the Lincoln-Scapegoat.

> We have lost control and leadership in the sphere of Wilderness philosophy. Why? The Forest Service originated the concept in 1920, and practically, has been standing still since about 1937 . . . Why should a sporting goods and hardware dealer [Cecil Garland] in Lincoln, Montana, designate the boundaries for the 240,000-acre Lincoln Back Country addition to the Bob Marshall? . . . If lines are to be drawn, we should be drawing them.
>
> All of this is slight tribute to Forest Service leadership and control. We seem to be trapped in our preoccupation with re-classification of Primitive Areas.[29]

In March 1969, 1 month after Rahm's remarks, Chief Ed Cliff told the Senate Interior Committee that the Forest Service would take another look at the Lincoln-Scapegoat. Plans for development were now permanently on hold. Two years later the Forest Supervisors of the Helena, Lolo, and Lewis and Clark National Forests drafted a wilderness proposal which the Regional Office accepted.[30]

The Senate passed the Scapegoat wilderness bill in 1969 and sent it to the House, where it was accidentally referred to the Agriculture Committee rather than the Interior Committee, thus arousing the ire of Chairman Aspinall who may have suspected an attempt to circumvent him. When he finally received the bill, Aspinall delayed reporting out the bill because the U.S. Geological Survey had not conducted a mineral survey of the area as called for by the legislative history for the Wilderness Act. The Montana congressional delegation requested the U.S.G.S. to make a special study of the area. Its study was completed in 1971 and showed no significant signs of mineralization.

Cecil Garland recalls how Aspinall was persuaded to support the bill.

> I had just left the House Office Building and Congressman Wayne Aspinall, the all-powerful chairman of the Interior and Insular Affairs Committee. Congressman Aspinall had just told me that he would "kill" my bill . . .
>
> Senator Mike [Mansfield] listened quietly leaning back in his chair, his fingertips touching gently as he moved his hands together again and again. And then he said, "Ceace, you go back to Montana and tell the folks back there that we'll get the bill passed, that there'll be a wilderness there some day." And he want to to say, "Some day there will be something that Mr. Aspinall will want, and we'll be there."
>
> We shook hands and I walked with him to the Senate floor where a great fight was being waged over Vietnam. But I knew Mike would not forget.
>
> Later when Congressman Aspinall became fully committed to the passing of the bill, I asked him why he had decided to help us. His reply was, "Son, you've got one powerful Senator", and I knew who he meant. I knew Mike had not forgotten.[31]

In 1972 the Scapegoat Wilderness became the first de facto wilderness to enter the National Wilderness Preservation System.[32]

As mentioned earlier, the Forest Service opposed the Lincoln-Scapegoat proposal because it did not want to disrupt its timetable for primitive area reviews. The Regional Office was also concerned that if the Backcountry Association were successful there would be petitions for numerous other de facto wildernesses surrounding the Bob Marshall Wilderness. This controversy illustrates a political science generalization. Agency behavior that is adapted to certain situations may become inappropriate when applied automatically to a circumstance which appears similar but is actually quite different. For decades the Forest Service had tried to insulate itself from local demands on the national forests in order to carry out its mandate to protect them in the national interest. These pressures usually came from groups that wanted to use them in ways that could have been

detrimental to their long-term well-being. Environmental organizations and many in the general public supported the Forest Service when it resisted these demands. In the case of the Lincoln-Scapegoat, local pressure was also applied—not to use the forest but to protect it completely (or "lock it up" in the vernacular of the anti-wilderness opposition). The Forest Service fought this demand in the same way that it would have fought demands to overcut or overgraze the area. The difference was that here the Forest Service was operating without public support.

This conclusion, however, must be qualified. A strongly professional organization, such as the Forest Service, is open to internal debate. Without the dissenting voices of Bob Morgan and the Lincoln District Rangers who served under him, roads would have been built in the Lincoln-Scapegoat long before the Scapegoat Wilderness Act of 1972.

Notes to Section II

1. R.W. Behan, "The Lincoln Back Country Controversy", unpublished ms., Forest Service History Section (FSHS), 1965.

2. Records of Robert Morgan, memo from Western Montana Conservation Coalition, 1/27/65.

3. Interview with Clifton Merritt, Denver, CO, 6/23/83, FSHS.

4. Behan, "Lincoln Back Country", cited above.

5. Same.

6. Same.

7. Same.

8. Chief Edward Cliff, letter to Senator Mike Mansfield, 6/28/62, Records of Robert Morgan.

9. Behan, "Lincoln Back Country", cited above.

10. Robert Morgan, letter to Regional Office, 2/24/64, Records of Robert Morgan.

11. W.M. Dresskill, letter to Boyd Rasmussen, 8/20/62, Records of Robert Morgan.

12. Same.

13. Denver Conservation Library (DCL), Wilderness Society Records (WSR), San Rafael, Scapegoat, and other Wilderness Areas Box, Testimony of Thomas Edwards, 4/16/69.

14. Behan, "Lincoln Back Country", cited above.

15. Cecil Garland, reminiscences, FSHS.

16. Behan, "Lincoln Back Country", cited above.

17. Records of Robert Morgan, Great Falls Tribune, 10/16/63.

18. Robert Morgan, letter to the Regional Office, 1/17/64, Records of Robert Morgan.

19. Telephone interview with Robert Morgan, 7/20/83, FSHS.

20. Merritt interview, cited above.

21. Robert Morgan, letter to Regional Office, 2/24/64, Records of Robert Morgan.

22. Robert Morgan, letter to Regional Office, 8/11/64, Records of Robert Morgan.

23. Merritt interview, cited above.

24. Same.

25. Same.

26. Richard Johnson, letter to Wayne Aspinall, 11/20/69, DCL, WSR, San Rafael, Scapegoat, and other Wilderness Areas Box.

27. Merritt interview.

28. Neil Rahm, letter to Ed Cliff, 2/23/72, Records of Robert Morgan.

29. Speech by Neil M. Rahm, 3/13/69, Records of Robert Morgan.

30. Neil Rahm, letter to Ed Cliff, 2/13/71, Records of Robert Morgan.

31. Cecil Garland reminiscences, cited above.

32. Ronald Gibson Strickland, "Ten Years of Congressional Review under the Wilderness Act of 1964: Wilderness Classification through Affirmative Action", Ph.D. dissertation, Georgetown University, 1976, p. 61.

III. RARE I and the 1975 Act on Eastern Areas

From 1972 to 1980 the issue of de facto wilderness was in the forefront of wilderness politics. Congress continued to pass individual wilderness bills based primarily on primitive area studies but they were overshadowed by several "omnibus" wilderness initiatives and the Forest Service's Roadless Area Review and Evaluation (RARE) studies.

For environmentalists de facto wildernesses existed in both the East and West. The Forest Service at first controlled the terms of the debate by maintaining that only a minimal amount of wilderness existed in the East. Thus environmentalists were forced to wage a separate struggle to convince Congress that de facto wildernesses in the East were "real" and that they should be protected under the authority of the Wilderness Act of 1964.

In 1967 the Forest Service manual directed Regional Foresters to review and report by 1969 on roadless areas that might have wilderness potential. Later that deadline was moved ahead to 1972. Forest Service officials in the Regional Office in Missoula, Montana, were familiar with the section in the manual on roadless areas. The Lincoln-Scapegoat controversy had shown them the growing political importance of de facto wilderness. They wanted to begin a roadless study but were reluctant to proceed without national leadership from the Washington Office.

In 1971 Dick Joy of the Missoula Recreation Staff spent a few weeks on detail in Washington. He told his Washington Office counterparts of the Regional Office's interest in a roadless study and the need for uniform consideration and reporting from all Regions. He believes this discussion helped begin the first RARE study.[1]

According to Chief Edward Cliff, RARE I was a response to a variety of forces that were impinging on the Forest Service.

> Every time we made a move into a roadless area we ran into opposition which generally materialized in the form of a lawsuit or a wilderness proposal by a congressman. The principle of sovereign immunity had been breached in court cases in the 1960's. As a result, environmentalists started filing lawsuits and conservation law became a fast growing branch of the law. If a bill was pending, that effectively stopped any activity because we didn't want to aggravate Congress. We had no idea where we could plan or where we would be stymied. We needed to draw some parameters around areas which we could develop and which we could preserve.[2]

Associate Chief John McGuire (promoted to Chief in 1972) recalls that he "sold" the idea to high-level departmental officials by arguing that the recently signed National Environmental Policy Act (NEPA) required environmental impact statements (EIS's) before roadless areas could be developed and that RARE I would constitute a national EIS. But he also remembers that neither he nor most of his Forest Service colleagues

foresaw the full implications of NEPA. They thought the act called for relatively brief impact statements and not the massive, detailed tomes that the courts eventually required in most cases of Federal actions affecting individual sites.[3]

In 1971 the Council on Environmental Quality tried to get the White House to issue an executive order halting development in roadless areas. The proposal got as far as John Ehrlichmann's office.[4] Some historians have suggested that fear of this order prompted the Forest Service to begin RARE I. Neither Cliff nor McGuire recall anything about it, although documents indicate that the agency's Legislative Affairs staff was concerned about it.[5] The evidence indicates that the decision to undertake RARE I was an internal one based on the general uncertainty over the management of de facto areas.

Between the fall of 1971 and the summer of 1972 the Forest Service inventoried and studied 1,449 roadless areas containing 55.9 million acres. With the exception of two areas in the East and one in Puerto Rico, all of them were west of the 100th meridian, which was a source of much disappointment to environmentalists. The Forest Service held 300 meetings and received more than 50,000 written and oral comments, which, at that time, made RARE I the most extensive public involvement effort ever undertaken by the Federal Government. The agency selected a list of 274 areas which would be protected while undergoing further study (the New Wilderness Study Areas) consisting of 12.3 million acres, of which 4.4 million had previously been committed to study either by the Service or Congress.[6]

The Forest Service's hope that RARE I would settle the problem of roadless areas was dashed when the Sierra Club sued it for attempting to log an area that had been found unsuitable for further wilderness study. The Wilderness Society, which had committed most of its resources to the lawsuit over the Alaskan oil pipeline, again declined to participate because its council members predicted the Sierra Club's suit would not succeed.[7]

Judge Conti issued a preliminary injunction in August 1972 but before the case went to trial, the Forest Service Chief issued instructions to comply with NEPA before developing any roadless area. (In most cases this meant writing an Environmental Impact Statement before developing an area.) Judge Conti then dismissed the Sierra Club suit. Brock Evans was ecstatic over this perceived victory.

> But perhaps the most brilliant victory of all was the injunction just obtained by the Sierra Club in San Francisco against the U.S. Forest Service, forbidding any more logging and road building on de facto wilderness lands on all National Forests until the Forest Service has complied with the provisions of the National Environmental Policy Act. Here is another great victory and I think the consequences and reverberations will be with us for years to come.
>
> The most important thing, I think, is that for the very first time in years we are on a equal footing with the timber industry and the Forest Service with regard to our wilderness resource. The de facto wilderness areas no longer belong to them first as they have thought for so long.[8]

The Sierra Club and The Wilderness Society unleashed some of their harshest rhetoric on RARE I, charging that it had been done too quickly, that areas had been split arbitrarily into smaller units to lower their wilderness quality rating, and that the entire study was biased toward commodity values.[9] The Forest Service later conceded that RARE I was flawed but with the passage of time and the cooling of emotions, environmentalists acknowledged its importance. According to Clifton Merritt:

> I'm satisfied that at that time there was no full awareness of de facto areas. Finally RARE I and RARE II divulged a lot of those areas. Some of us were partially aware of them. Perhaps some of us were more aware than people in the Forest Service but still we had only had partial knowledge until those inventories.[10]

At the same time as the Forest Service was preparing for RARE I, its employees were discussing alternatives for managing undeveloped areas in the East. Public pressure for the designation of wilderness areas in the East had developed slowly after the passage of the Wilderness Act. In 1966 the West Virginia Highland Conservancy was formed by Rupert Cutler of The Wilderness Society and others with the goal of protecting areas on the Monongahela National Forest.[11] West Virginians' interest in wilderness appear, in part, to have been piqued by their opposition to the large clearcuts that had become common on the forest during the 1960's. The conservancy did not develop a consistent policy on wilderness until 1970.[12] Before that some of its members variously called for the protection of areas under the Wilderness Act, interim protection until these were restored as wilderness, or protection under new legislation.

The frustration and uncertainty that eastern wilderness advocates were feeling at the end of the decade comes across in a 1969 letter from George Langford of the conservancy's wilderness committee to Rupert Cutler.

> A question of philosophy comes to mind . . . you represent an awful lot of apparently anonymous people who have not yet come forth in the name of The Wilderness Society. Where are they? Is Wilderness that foreign to the Easterner? Is the West Virginia Highland Conservancy an unwitting tool of The Wilderness Society? Are we the only people who care for Wilderness in the East? . . .
>
> Here we are asking to be set aside what was once wilderness but which has been exploited but which can again be wilderness (though probably not the same kind). These considerations enter to a much lesser degree in the West. Don't we need help on a grand scale to cope with this? [13]

In 1970 members of the West Virginia congressional delegation introduced several wilderness bills, as did members of the Alabama delegation for the Sipsey area on the Bankhead National Forest. These bills did not get out of committee, but they showed the Forest Service that public interest in eastern wilderness was mounting. The agency anticipated that it would have difficulties promoting alternatives to Wilderness Act protection because the Park Service had proposed 75,000 acres of wilderness in the Shenandoah National Park in Virginia, as well as parts of several wildlife refuges, which had been logged and burned over like most of the

forests in the East.[14] The Forest Service realized that the public would not be satisfied with assurances of administrative protection and that if the Service did nothing, public "impatience may ultimately pre-empt Forest Service leadership in this area." In the summer of 1971 the Regional Foresters in Milwaukee and Atlanta proposed a "Wildwood Heritage System" that was to be distinct from the National Wilderness Preservation System. Forest Service Chief Max Peterson, who in 1971 was a Deputy Regional Forester in Atlanta, remembers that the idea originated among agency officials in the South and East and that in the beginning the Washington Office headquarters was not very involved.[15] The title was soon changed to "Wild Areas". According to agency policy analysts:

> Wild Areas are distinct from Wilderness Areas because they are primarily for recreation enjoyment. Wildernesses are not primarily recreation areas, but are established primarily to ensure an enduring resource of wilderness for the nation as a whole. Wild areas would not qualify under the Wilderness Act. To include them would dilute the significance of the entire Wilderness System. Grazing and mining would be prohibited in Wild Areas whereas established uses are permitted in Wilderness Areas. Primitive recreation facilities and some hardening to protect the environment would be permitted in Wild Areas.
>
> The Regional Foresters recommended that a "system" be established through broad enabling legislation. Individual areas could then be classified and included in the system after detailed study. The Chief feels that announcing such a system would force us to defend inclusion of the areas.[16]

Commercial timber harvesting was to be prohibited, but trees could be cut to improve wildlife habitat and recreation sites. The Forest Service also wanted to have the flexibility to do some "prescribed burning" in some potential "wild areas" in order to clear out undergrowth that made them virtually impassable. The ban on mining and grazing, which were permitted under the Wilderness Act, was consistent with the agency's penchant for pure wilderness. It may also have been incorporated as a gesture to please some environmentalists.

The public first became aware of Forest Service plans when Associate Chief John McGuire spoke before the Sierra Club's Biennial Wilderness Conference in Washington, DC, on September 24, 1971.

> The areas with wilderness characteristics as defined in the Wilderness Act are virtually all in the West. But we recognize that there is a pressing need in the East and South for providing primitive outdoor recreation opportunities and maintaining wild land values which do not meet the Act's criteria for wilderness . . . We will solicit the broadest possible public participation in the process of creating and managing a system which would become a heritage of wild area values for future generations.[17]

McGuire remembers that he was subjected to some verbal buffeting at this conference from the young and somewhat unruly crowd. Doug Scott recalls that Ernie Dickerman ran up to him after the speech exclaiming:

"Did you hear what that man said?" [18] Most professional environmentalists now consider this speech as the beginning of the general campaign for eastern wilderness.

During the next several months Forest Service officials met with conservation organizations, gaining the support of the American Forestry Association and of Joseph Penfold, conservation director for the Izaak Walton League. Timber industry officials were not enthusiastic about the idea, which they thought was just another wilderness proposal in a new guise. A political appointee with the U.S. Post Office Department suggested to the White House that the President support the wild areas proposal in his annual environmental message. Environmentalists also must have pressed their case, for when President Nixon delivered his message on February 8, 1972, it was a compromise between wilderness protection and the recreational emphasis of the wild areas concept. He urged Congress to make a greater effort "to see that wilderness recreation values are preserved to the maximum extent possible in the regions where most of our public live." [19] Soon thereafter The Wilderness Society's lobbyists (Doug Scott, Harry Crandell, and Ernie Dickerman) persuaded White House officials to support the concept of eastern wilderness. The campaign received a boost when President Nixon came out in favor of eastern wilderness legislation in his Environmental Message to Congress of February 15, 1973.[20]

In July 1972 the Senate Agriculture Committee held hearings on several bills to create wild areas in the East. Two months later the Senate passed S. 3973, the National Forest Wild Areas bill. Section 102 of the bill distinguished between the wild areas in the East which could be restored to a primitive condition and wildernesses in the West which had to be basically unspoiled by human contact. According to historian Ronald Strickland, S. 3973 "was first and foremost a statutory expression of the 'purity' doctrine." [21]

Behind the expression of the purity doctrine was the fear that if logged-over areas in the East were admitted into the Wilderness System, there would be no way to exclude logged-over areas in the West. The specter of numerous DuNoir controversies loomed before Forest Service policymakers. The Wilderness Society, on the other hand, believed that if the Forest Service were to succeed in establishing two systems and two sets of allocation criteria, it would be able to exclude all but the purest western forest land from the Wilderness System.[22]

The Wilderness Society's staff were completely caught off guard when S. 3973 passed the Senate. Emergency meetings were held and Doug Scott typed the draft of an alternative eastern area wilderness bill with a speed which was becoming one of his trademarks within the wilderness movement. Several months earlier he had met Senator James Buckley of New York who had told him that he had been a long-time member of the Wilderness Society. Scott pencilled in the names of Buckley and Frank Church as sponsors of the draft bill. Senator Church was out of town but Scott encountered an aide to Interior Chairman Senator Henry Jackson who said that Jackson might want to co-sponsor the bill because of the issue of committee jurisdiction over eastern wildernesses.[23] Both Jackson

and Buckley agreed to sponsor S. 3792, which was re-introduced in January 1973 as S. 316. Ernie Dickerman has recalled the early stages in the development of S. 316.

> Wherefore with the opening of the 93rd Congress citizen wilderness proponents living in the East were pounding on the doors of the two Interior Committees. As I recall, close to 100 proposals located in maybe 15 states were offered. When Senator Haskell convened a public hearing in Washington on this assortment of proposals, over 150 individuals from most of the New England, southeastern and midwestern states were on hand, most of them ready and eager to testify in person. Senator Haskell's problem was how to accommodate all these witnesses and to avoid endless repetition of the same arguments. The hearing lasted most of the day. Meanwhile these numerous citizens, when not testifying, were lobbying all over Capitol Hill. Ultimately what emerged from the Subcommittee on Public Lands, rather than a number of separate state bills, was a single omnibus bill containing all proposals which the Committee was willing to approve. This omnibus bill of course made possible a single, coordinated drive for its passage.[24]

The Senate Interior Committee had handled all previous wilderness bills dealing with western forests and thus claimed jurisdiction over eastern wilderness bills. The Agriculture Committee had jurisdiction over the National Forests in the East because their lands had been purchased from private owners rather than reserved from the public domain like those in the West. Therefore, its members also asserted jurisdiction over eastern wilderness bills. This institutional rivalry was paralleled by a personal coolness between the chairmen, Senator Herman Talmadge of Georgia and Jackson, who communicated only through their aides.[25]

The Wilderness Society was distressed as much by the possibility that the Agriculture Committee might control eastern wilderness bills as it was by the possibility of a separate wild areas system. According to Doug Scott, The Wilderness Society "had a healthy perhaps obsessive respect for the Forest Service's influence with the Agriculture Committee."[26] That respect seems to have been justified because Chairman Talmadge professed to have more faith "in the management plans being drawn up by the Forest Service to provide true multiple use, . . . than on designations forced upon the Forest Service by strident interest groups."[27] The ranking Republican member of the Committee, George Aiken of Vermont, was an "old friend" of the Forest Service and often shared his home remedies with John McGuire when McGuire visited his office on Saturday mornings.[28]

The biggest problem that environmentalists had to overcome was dissension within their own ranks. Many people were willing to accept (or at least did not oppose) the wild areas proposal because it seemed to promise that eastern areas would be protected under legislation that, in some respects, was even stronger than the Wilderness Act. The semantic struggle over wilderness versus wild lands seemed less important to them than the possibility that, to paraphrase Richard Costley, commercial lumbering and roads would be kept out of their favorite areas.

In addition, some conservationists had reasons for opposing the eastern wilderness concept. Some northeasterners had become skeptical about the wisdom of wilderness designations after observing the heavy use of the Great Gulf Wilderness in New Hampshire, while members of the Appalachian Mountain Club, who had good relations with the Forest Service, were afraid that their trail shelters would have to be removed from wilderness areas. Ernie Dickerman also believes that the New Englanders' traditional feeling of independence played a role in delaying the eastern wilderness movement. New Englanders were justifiably proud of their conservation record and some felt that wilderness legislation was an unnecessary imposition.[29] Senator Aiken's support of the wild areas concept may have reflected this attitude.

One of the Wilderness Society's most important opponents on this issue was Joseph Penfold, venerable conservation director of the Izaak Walton League, who had been one of the leaders in the passage of the Wilderness Act. Penfold had "endless credentials from which to speak" [30] and the prestige of the Izaak Walton League behind him when he warned in Bill Worf fashion of the dangers of designating eastern wildernesses.

> It is argued by some that such areas reverting to wilderness should be eligible for inclusion in the wilderness system. They argue that the criteria and standards established by the Act are sufficiently flexible now to embrace such areas . . . Others, including the writer, feel just as strongly that lowering wilderness standards by amendment of the Act or by its more liberal interpretation, in the long run, can only threaten the integrity of all designated wilderness. Even if the line can be held rigorously against the invasion by commercial development—and pressures for such are unrelenting—there still remains the growing and nearly irresistible pressure of recreationists themselves who, with snowmobiles, outboard, ATV and other gadetry, or sheer numbers lean their weight against every wilderness boundary." [31]

George Alderson of the Friends of the Earth lobbied members of the Izaak Walton League to support eastern wilderness at their 1972 annual meeting in New York. The Indiana Chapter was the first to break ranks and soon thereafter the entire league came out in support of The Wilderness Society's position.[32]

Ironically, the society had the most difficulty with the Sierra Club, an organization with which the society's leaders always had been closest to philosophically and personaly, since both shared common officers and routinely exchanged staff members.

Their conflict in this case arose largely from their differing organizational structures. The Wilderness Society is a centralized organization with a large Washington staff. It has a governing council which sets policy, and has dues-paying members, but has no local chapters. It works on the local level through cooperators and consultants who share the society's objectives on a particular issue but need not be members of the society.

Its officers and staff members felt they were the heirs of Howard Zahniser's wilderness legacy and were completely unwilling to compromise that legacy by creating two systems. Ernie Dickerman had known

both Zahniser and the society's long-time president, Harvey Broome, and was convinced they had never meant to exclude eastern wilderness when they wrote the drafts of the wilderness bills.[33] In addition the society has had a large number of naturalists and ecologists as members and leaders, and the concept of a single, unified system was more compatible with their scientific background. In 1972 Ernie Dickerman explained to Hal Scott of the Florida Audubon Society that the

> "definition of wilderness in the Wilderness Act was drawn by Easterners, i.e. by Howard Zahniser, then Executive Director of the Wilderness Society, who gained his formative experiences of wilderness in the Adirondacks, and by Harvey Broome, then president of the Wilderness Society, life-long resident of Knoxville, Tennessee, who hiked and camped for nearly fifty years in the Great Smoky Mountains and other areas in the southern Appalachians. None of us who helped draft that definition were about to exclude the wildlands of the Appalachian Range from qualifying for the protection of the Wilderness Act. . . .
>
> . . . In our opinion it is preferable to put into the System an area which may contain some minor work of man than it is to reject the entire area or a significant portion of it in order to avoid such minor features. After all, the objective is to preserve wilderness, not seek reasons for rejecting its preservation. Once an area is in the System, however, we can expect to fight with maximum skill and diligence to prevent even the most minor sort of intrusion into a legally designated wilderness area." [34]

The Sierra Club is larger than the Wilderness Society and its members are organized into local chapters which are overseen by regional field representatives. Many of them are hikers, backpackers, and mountain climbers. In general the club is more "user-oriented" than the Wilderness Society.[35] During 1972 and early 1973 the club's Midwest and Northeastern field representatives supported wild areas legislation as the best way to protect eastern areas given the Forest Service's opposition to wilderness legislation. Ted Snyder's report of a March 1972 meeting involving himself, Jonathan Ela, Francis Walcott of the Sierra Club, and Forest Service officials show the club's tentative attempts to reach a compromise with the agency.

> Theodore A. Snyder opened in the morning by proposing some wilderness in the National Wilderness Preservation System now, to be followed by "Future Wilderness" Act, with no tinkering and automatic addition to Wilderness Act on meeting a definite standard. Forest Service countered even recovered lands don't meet definition because the Wilderness Act refers to helping land 'retain' its primeval state.
>
> Ela opened in afternoon. Suggested laying Wilderness Act "on the shelf" and talk about wild areas; if we could not agree on wild areas, then to bring Wilderness Act "off the shelf" and talk about applying it to eastern areas. Theodore A. Snyder countered with proposition of the morning—some wilderness now, then other land into "future wilderness". Snyder listed wilderness now areas as Caney Creek, Ouachita National Forest; Headwaters of Buffalo River, above

National River Boundary, Ozark National Forest; Cohuttas, Georgia; Bradwell Bay, Florida; Kilmer-Slickrock, North Carolina; Sipsey, Alabama; three areas in West Virginia in pending bills; Penigewasett in White Mountains National Forest.

Forest Service people said Sipsey had only 400 acres of virgin forest. I said they were wrong.

Forest Service said of this list only one that might qualify was Kilmer-Slickrock . . .

Discussion of necessity of transfer to Wilderness Act—if it's a rose by another name why worry? Ela asks why not put the Wilderness now on list into the new Act? Would not the same thing be accomplished by getting them into wild area protection, and perhaps more because of mining and grazing. Snyder says no; Wilderness would be quicker. Ela says we can get a good wild areas law just as fast.

Ela proposes a Wild Areas Law as "Future Wilderness" described by Snyder, but without automatic turnover. Proposes it be structured like Wild and Scenic Rivers Act, with a list of instant Wild Areas, and a list of mandatory review areas, with further provision for review of other areas.

General agreement this would only apply to East. Forest Service seemed in agreement; said this would create a class of land approaching characteristics they desired in wilderness.

Discussion of why these areas could not eventually become wilderness. Forest Service says no way to say when it becomes wilderness because no one can say what would have been there if no human activity. Walcott and Snyder point out that even virgin forest has cycles; all you need to do is get the land onto a natural cycle.

Snyder points out Shining Rock (in North Carolina) is in the System. Forest Service says it was a mistake. More like it would dilute the System too much. Outside, Ela and Snyder agree to draft and swap type bills they would agree to.

Ela, Walcott, and Snyder agree no response should be made until Board of Directors acts in May." [36]

The Sierra Club's northeastern field representative, who was not present at the March meeting with the Forest Service, worked with Senator Aiken of the Agriculture Committee on his wild areas bills. According to Doug Scott, the Agriculture Committee's present co-jurisdiction over eastern wildernesses is, in part, a result of that relationship. [37]

Many of the club's eastern members also supported wild areas legislation as the best way to protect areas they were interested in, and were either unaware of or unconcerned with larger political issues. In early January 1973, Helen McGinnis, a Sierra Club activist and member of the West Virginia Highland Conservancy, listed four reasons why local club members supported the wild areas proposal.

1. Misinterpretation of the Wilderness Act of 1964 and the alleged superiority of wild areas legislation . . .

2. The "pragmatic approach", which assumes that the Forest Service is too powerful to oppose, and that environmentalists must cooperate with it to get any areas protected.

3. The feeling among some conservationists that the Forest Service is doing a good job of managing the national forests and if they prefer wild area to wilderness, well they're the experts. As a member of the West Virginia Highlands Conservancy, which has many disagreements with the Forest Service concerning the management of the Monongahela National Forest, and the Sierra Club, which so far has excellent relations with the staff of the Allegheny National Forest, I can understand both viewpoints to some extent.

4. The belief that eastern wilderness legislation should be supported, but that there is also a need for legislation to protect other areas not qualified as wilderness . . .[38]

Hoping to gain allies for its uncompromising position on eastern wilderness, in December 1972 the society invited a select group of environmentalists, including local Sierra Club leaders, to a meeting in Knoxville, Tennessee. There were "skeptics" in this group but all were chosen because they were considered to be potential converts. The Sierra Club's regional representatives, who were thought to be less persuadable, were not invited. Also present were two staff members from Senator Church's Public Lands Subcommitttee who helped convince some of the doubters by supporting all of the statements made by the Society's spokesmen. According to its organizers, Doug Scott and Ernie Dickerman, this meeting was the first step in overcoming Sierra Club resistance to eastern wilderness legislation.[39]

The Wilderness Society also formed a very successful "front" organization called "Citizens for Eastern Wilderness," the main purpose of which was to be a face-saving device for Sierra Club members who wanted to discreetly align themselves with the Society.[40] In March 1973 George Alderson culminated this campaign with an influential article that strongly underscored the alleged political dangers of wild areas legislation.

> The wild areas system would serve the Forest Service cause well. It sets two Senate committees to fighting over specific wilderness area proposals; it confirms the Forest Service "purity" argument; it fragments the wilderness movement into regional factions with less influence, instead of a unified national movement; it puts the citizen environmentalists at a disadvantage in unfriendly committees of Congress. And it gives the Forest Service new hope for stopping the citizens' wilderness proposals in every western state, from California to Montana.
>
> The Forest Service's objective on Capitol Hill is evidently to get its eastern lands firmly away from the Interior Committee, where citizens have a great deal of influence, and let the Agriculture Committee do the dirty work of turning down all the wilderness or wild area proposals.[41]

The Sierra Club eventually endorsed the Society's position but not before there had been "difficult" meetings and some bad feelings between

officials of the two organizations. For instance Oregon native, Doug Scott, at first decided not to apply for the important position of northwest field representative of the Sierra Club because of disenchantment over the Club's approach to eastern wilderness. He was later offered the position, which he accepted.[42]

In 1973 the Senate Interior Committee (later becoming the Energy and Natural Resources Committee) and Agricultural Committee agreed to share jurisdiction over eastern wilderness legislation with the understanding that eastern areas would be protected under the Wilderness Act of 1964. By early 1973 the Forest Service had dropped the idea of two systems. In September the Department of Agriculture proposed that 16 eastern areas be made instant wildernesses and that another 37 be studied for possible inclusion in the Wilderness System. But this proposal also contained a section which would have amended the Wilderness Act of 1964 to read that "only within those national forest system units east of the one hundredth meridian the Secretary of Agriculture may consider for review areas where man and his own works have once significantly affected the landscape . . . ." The environmentalists defeated this attempt to establish separate criteria for eastern wilderness. Instead, the Agriculture Committee reported out a bill that extended a ban on mining and grazing, previously limited to the East, to the entire Wilderness System. Chairman Jackson and western members of the Interior Committee strongly objected to this provision, which they and the environmentalists knew could prove fatal to the possibility of enlarging the Wilderness System in the West. The extension of the ban on mining and grazing to the West was voted down on the Senate floor and the bill was referred to the House.[43]

The death of John Saylor in 1973 and Washington's preoccupation with the Watergate scandal delayed House passage of the bill for 8 months. House Public Lands Subcommittee Chairman, John Melcher, required that all areas included in the bill be supported in writing by the representatives in whose districts they were located. (Ernie Dickerman saw this as a departure from the usual protocol requiring only oral assent.[44]) This procedure had the effect of halving the number of acres that were to go immediately into the system or that the Forest Service was to study for possible future designation. In December 1974 the House passed the bill. It differed from the Wilderness Act only in allowing the Federal Government to condemn private land under defined conditions when it lay within the boundaries of the eastern wildernesses in the bill. It gave the Secretary of Agriculture the authority to condemn land whenever "he finds such use to be incompatible with the management of such area as wilderness and the owner or owners manifest unwillingness, and subsequently fail, to promptly discontinue such incompatible use." The Wilderness Society was disappointed that it had lost potential wilderness acreage during the bill's passage through the House but rather than wait for a new Congress to convene, Dickerman advised Senator Jackson that the Society would accept the House bill.[45] The bill, which contained 15 wildernesses and 17 wilderness study areas, was signed by President Ford on January 3, 1975. It has erroneously been called the "Eastern Wilderness Act"; however, it has no title and is one of many acts designating units of the Wilderness System.

Notes to Section III

1. Interview with Dick Joy, Washington, DC, 6/16/83, Forest Service History Section (FSHS).

2. Interview with Edward Cliff, Washington, DC, 9/27/83, FSHS.

3. Interview with John McGuire, Washington, DC, 6/16/83, FSHS.

4. Interview with Brock Evans, Washington, DC, 7/15/83, FSHS.

5. Cliff and McGuire interviews, cited above.

6. Ronald Gibson Strickland, "Ten Years of Congressional Review under the Wilderness Act of 1964: Wilderness Classification Through Affirmative Action," Ph. D. Dissertation, Georgetown University 1976, p. 61.

7. Stewart Brandborg, letter to James Marshall, 7/10/72, DCL, WSR, Box 39.

8. "Northwest Conservation Brief," 9/72, Denver Conservation Library (DCL), Wilderness Society Records (WSR), Box 39.

9. Strickland, "Ten Years of Congressional Review," cited above, pp. 200–201.

10. Interview with Clifton Merritt, Denver, CO, 6/23/83, FSHS.

11. Interview with Rupert Cutler, New York, NY, 7/21/83, FSHS.

12. "West Virginia Organizations," DCL, WSR, Box 44.

13. George Langford, letter to Rupert Cutler, 7/7/69, DCL, WSR, Box 44.

14. "Eastern Wilderness Flash," 4/24/72, DCL, WSR, Box 5.

15. Interview with Max Peterson, Washington, DC, 2/6/84, FSHS.

16. Forest Service, Washington Office, Division of Recreation Records, "Position Paper," 12/9/71.

17. Forest Service, Washington Office, Division of Recreation Records, 9/24/71.

18. Interview with Douglas Scott, San Francisco, CA, 9/18/83, FSHS.

19. DCL, WSR, Eastern Wilderness Box, Forest Service.

20. Note from Harry Crandell to the author, no date, FSHS.

21. Strickland, "Ten Years of Congressional Review," cited above, p. 186.

22. McGuire interview, cited above; "Flyer on Eastern Areas Wilderness Bill," 2/73, DCL, WSR, Box 39.

23. Scott interview, cited above.

24. Letter from Ernie Dickerman to the author, 3/24/84, FSHS.

25. McGuire interview, cited above.

26. Scott interview, cited above.

27. Senator Hermann Talmadge, letter to Senator Paul Fannin, 10/2/73, DCL, WSR, Eastern Wilderness Box.

28. McGuire interview, cited above.

29. Interview with Ernest Dickerman, Buffalo Gap, VA, 8/18/83, FSHS.

30. Scott interview, cited above.

31. DCL, WSR, Eastern Wilderness Box, Congressional Record, 6/13/72.

32. Scott interview, cited above.

33. Dickerman interview, cited above.

34. Ernie Dickerman, letter to Hal Scott, 9/19/72, DCL, WSR, Eastern Wilderness Box.

35. Cutler, interview, cited above.

36. DCL, WSR, Box 6, "Report on meeting with Forest Service," 3/10/72.

37. Scott interview, cited above.

38. Helen McGinnis, letter to George Alderson, 1/9/73, DCL, WSR, Box 6.

39. Scott interview, cited above.

40. Same.

41. George Alderson, "Eastern Wilderness Crisis," Environmental Quality, Vol. 4, No. 3 (March 1973), p. 72.

42. Scott interview, cited above.

43. "Eastern Wilderness Areas Act," 93rd Cong. 1st session, Senate Report No. 93-661, 1973; Senator Henry Jackson, letter to Senator Hermann Talmadge, no date, DCL, WSR, Eastern Wilderness Box.

44. Dickerman interview, cited above.

45. Ernie Dickerman, letter to Senator Henry Jackson, 12/17/74, DCL, WSR, Eastern Wilderness Box.

IV. The Endangered American Wilderness Act and RARE II

Because the 1975 act for eastern areas designated wildernesses that had once felt the heavy impact of "man and his own works," one former member of the Forest Service's Legislative Affairs Staff dubbed it the crossing of the "last promontory of purity." [1] Ernie Dickerman accepted the final House bill, despite the fact that it did not contain as many acres as he had wished, because he realized its passage would be the most significant victory for The Wilderness Society since the passage of The Wilderness Act of 1964.[2] But if the last promontory had been crossed in January 1975, there still remained islands of purity which became the environmentalists' next target.

RARE I had been strongly criticized by the wilderness organizations for failing to select as New Wilderness Study Areas several potential wildernesses located near major population centers. Some of these, such as the French Pete area on the Willamette National Forest in Oregon, were also marked by strong conflicts between the timber industry and environmentalists. French Pete assumed great symbolic importance for all the interest groups involved. Its historical interest is further enhanced because Doug Scott helped conceive the idea for the omnibus Endangered American Wilderness bill partly to preserve this area, which he had learned about while growing up in Oregon.[3]

In 1953 the Secretary of Agriculture eliminated 53,000 lowland acres from the Three Sisters Primitive Area. In 1954 the Regional Forester in Portland explained to a Sierra Club representative that the area did not contain any unique flora and that harvesting some of its 1.5 billion board feet of timber would help to prevent the closing of more mills in the area. The Willamette Forest Supervisor pointed out that 60 percent of the sawtimber in Lane County was controlled by the Forest Service and that competition for logs was great, which placed "tremendous responsibilities" on the agency to insure the viability of the local lumber industry. Local environmentalists were not persuaded by these arguments and appealed the decision to the Secretary of Agriculture, who reaffirmed the 1953 decision.[4] By the late 1960's the 30,000-acre French Pete Creek area was all that remained of that former unroaded and unlogged area.

In 1968 the Willamette Forest Supervisor, David Gibney, announced a timber sale in French Pete, a popular hiking and camping area about an hour's drive from the towns of Eugene and Springfield. Local environmentalists responded by forming a "Save French Pete Committee" and petitioning the Forest Service to withdraw the announcement. Gibney assembled a citizen's advisory committee of 23 people who represented various users of the forest. In March 1969 they voted 18 to 5 to support Gibney's plan to selectively log the area. Gibney concluded that the evidence "shows that demands and needs for all resources have increased proportionately since 1957, whereas the forest land base has remained almost

static. Therefore, the need for a review and recommendation of the decision of the Secretary of Agriculture in 1957 cannot be substantiated." [5]

In the meantime the Save French Pete Committee had been organized as the result of the exhortations of the Sierra Club's new Northwest Regional Representative Brock Evans, who had motivated a previously dispirited group of local environmentalists. Evans had obtained a large map of Oregon's forests, which showed that French Pete was one of only three valleys, 10 miles long or more in the State, which had not been logged. That discovery mobilized a "tired band of warriors for one more effort" and soon became the Committee's principal rallying cry.[6] In November 1969, the Forest Service's predicament was dramatized when 1,500 protesters gathered outside the Eugene Federal Building to hear several speakers attack its decision.

National wilderness leaders saw French Pete as the most important environmental issue in the Pacific Northwest and as a major test of strength with the region's powerful timber industry.[7] Michael McCloskey asserted that if the environmentalists could win on French Pete, they could win anywhere.[8] Although the Forest Service had proposed to sell only 3 million board feet of timber, industry representatives saw the struggle in equally apocalyptic terms, predicting "further incursions in the areas where there is much commercial timber" if the environmentalists prevailed.[9]

The conflict between environmentalists and the timber industry was paralleled by a split within Oregon's congressional delegation. Bob Packwood, the newly elected Republican Senator, supported the environmentalists and spoke of French Pete as the environmental counterpart to the debate which was then raging over the deployment of an anti-ballistic missile system. He was opposed by veteran Senator Mark Hatfield and Congressman John Dellenback, who represented the district in which French Pete lay.[10]

In 1969 Packwood introduced the "French Peter Intermediate Recreation Area" bill, which permitted the development of some recreation facilities and the harvesting of dead and down timber. For several years environmentalists did not attempt to introduce a wilderness bill for French Pete, fearing that it would be impossible to pass such a bill in the face of the timber industry's determined opposition. The "purification" of the neighboring Mount Jefferson Wilderness frightened some people, who did not want a similar fate to befall French Pete.[11] The Wilderness Society called for wilderness designation but their arguments had little immediate effect because Oregon was in the Sierra Club's informal sphere of influence. Environmentalists, like some of their counterparts in the East, were looking for a practical way to exclude logging and roads from French Pete and did not want to sacrifice it "on the altar of Wilderness nationwide." [12] Michael McCloskey, executive director of the Sierra Club, lent his support in 1972 when he said that French Pete could be a prototpye for areas "between full wilderness and roadside recreation facilities." [13]

Packwood's bills were blocked by Senator Hatfield, who was a member of the Senate Interior Committee. In 1972 Hatfield made a gesture to the environmentalists by asking the Forest Service to delay its plans until it could study the feasibility of using helicopters to log the area.

French Pete became one of the issues in his 1972 re-election campaign against former Senator Wayne Morse, who claimed that Hatfield had received campaign contributions from loggers near French Pete.[14] His victory over Morse demonstrated Hatfield's continuing popularity in the State, and confirmed that Oregonians were split over French Pete, with a substantial minority favoring some development of the area.

From 1969 to 1976 the Forest Service's development plans were repeatedly postponed by agency and departmental officials, who gradually realized that they would probably never be able to implement those plans. But a continuing political deadlock frustrated hopes for a permanent solution to the problem. In 1973 local environmentalists and Senator Packwood dropped their Intermediate Recreation bill in favor of adding French Pete to the Three Sisters Wilderness. They were joined in 1975 by the new Congressman, James Weaver. During the next several years, Packwood and Weaver introduced several bills adding French Pete and some contiguous areas to Three Sisters.[15] It was not until the 45,000-acre area was "embedded" in the Endangered American Wilderness Act of 1978, where it was less exposed to attack, that the political impasse was finally broken. (Environmentalists are now fond of saying that the longer the Forest Service delayed, the bigger the area became.[16]) A collective sigh of relief went up from many Forest Service officials who had been involved with French Pete over the years and who believed that the 1957 decision had tied their hands. Former Willamette National Forest Supervisor, Zane Grey Smith, saw French Pete in much the same light as did Doug Scott. When Assistant Secretary Cutler decided to support the Endangered bill, Smith looked at the clock and said to Cutler that "on this date and at this time French Pete was finally solved." [17]

As the French Pete controversy quieted down in the mid-1970's, the environmentalists' main theater of operations in the West shifted to the vast expanses of undeveloped forest land in the Rocky Mountains. The Forest Service had promised the Court in the Sierra Club v. Butz suit that it would comply with NEPA before developing any roadless areas inventoried in RARE I. An EIS was prepared for a "unit," which was usually about the size of, but not necessarily coterminus with, a ranger district.

David Pavelchek, Doug Scott's employee in the Sierra Club's Seattle office, had an "extraordinary" ability to quickly analyze the technical prose of an EIS and memorize the information it contained. He was set to work dissecting the Forest Service's unit plans.[18]

On the Kootenai National Forest, Pavelchek discovered that a unit plan had included several roadless areas and that development decisions were based on an overall evaluation of the unit. The Sierra Club appealed the decision to Chief John McGuire, claiming that one of the roadless areas, Mount Henry, should have been evaluated separately. McGuire upheld the Sierra Club's appeal.[19] (In 1977 Mount Henry was one of the areas included in the Montana Wilderness Study Act but was "released" for nonwilderness use in the Lee Metcalf Wilderness Act of 1983.)

The converse of Mount Henry was the Gospel Hump area on the Nez Perce National Forest in Idaho. Here Pavelchek found that the Forest Service had divided the nearly 300,000 acres of roadless area into nine

separate units. The Sierra Club maintained that the wilderness value of Gospel Hump would have been higher if the Forest Service had studied it as a single unit. Doug Scott recalls the crestfallen expression on McGuire's face when he was told of this situation. Again, the Forest Service Chief upheld the Sierra Club's appeal.[20] (Gospel Hump was included in the Endangered American Wilderness Act.)

Pavelchek's work shook the Forest Service's confidence in the unit planning process and compelled it to write stricter guideliness for appeals so that its planning efforts could not be stopped completely. It also convinced Doug Scott that a "phase change" was needed before the Forest Service adjusted to the Sierra Club's tactics.[21]

While talking with his friends and Sierra Club colleagues, Chuck Clusen and John McComb, in January 1976, Scott recalled the omnibus de facto wilderness bill that John Saylor had introduced in 1970. The three Sierra Club staff members agreed that the time was ripe for a new omnibus bill.[22] Thus was born the Endangered American Wilderness bill.

The Endangered bill contained several areas scattered throughout the West (the act contained 17), which the Forest Service had not recommended for wilderness study in RARE I, primarily because they did not conform with various aspects of the agency's definition of wilderness purity. One of the main issues concerned the so-called "sights and sounds" doctrine that had been used to exclude areas that were close to major urban centers. Sandia Mountain, and Lone Peak and Pusch Ridge, which overlooked Albuquerque, and Salt Lake City and Tucson respectively, were chosen to illustrate the application of that "doctrine." The final committee reports on the bill directed the Forest Service to dispense with this doctrine, arguing that the accessibility of such areas actually enhanced their values as wilderness.[23]

The campaign was guided by Doug Scott and Chuck Clusen, who worked with local environmentalists in selecting the areas to be included in the bill. Like the Wilderness Act of 1964 and the 1975 Act on eastern areas, the Endangered bill was coordinated by staff members of the national wilderness organizations. It was the most programmatic of the three omnibus bills. Most of the areas chosen for inclusion in the bill had been fought over for many years by environmentalists and their opponents. The environmentalists wanted to get them into the Wilderness System but also wanted to make them symbols of supposed defects in the Forest Service's planning process.[24] Michael McCloskey explained the purposes of the bill to George Davis, then executive director of the Wilderness Society.

> To get a number of high quality, seriously threatened national forest "de facto" wilderness areas in the Wilderness System.
>
> To educate the Congress to the underlying problems of land use planning on the national forests, particularly the inadequate consideration of wilderness values of these roadless areas, and
>
> To build a nationwide force of grassroots support for wilderness, using this bill as the vehicle, and thus reminding every Senator and Congressman of the broad support we can marshall for wilderness issues, particularly from Eastern and more urbanized districts.[25]

Between the first introduction of the bill in 1976 by Senator Frank Church and Repesentative Morris Udall and its enactment in January 1978, there were some changes in the areas included. For the most part, the Sierra Club coordinators chose areas that they judged were not so controversial that they would block final passage of the bill. According to Doug Scott: "Each area was ready to go but didn't look it—that was the stroke of genius about it." [26]

During most of 1976, congressional mail had been running against the Endangered bill, but by the fall the Sierra Club's campaign started to gain momentum, and Congress began to receive more mail and delegations of citizens favoring the bill. Senator Church and Representative Udall were presidential candidates. Their advocacy of the bill also convinced Jimmy Carter to support it. Carter's election in November 1976 considerably increased the chances that the bill would pass. During the presidential campaign, Carter's staff had promised the environmentalists strong support and in one case had even gone beyond what they had asked for, by offering to place a development moratorium on all roadless areas. George Davis bemoaned what he thought was a "bad" National Forest Management Act, which Congress had passed earlier in the year to extricate the Forest Service from a court-imposed injunction on timber harvesting. He told Carter officials that he feared a similar "backlash" from the timber industry if a moratorium were placed on all roadless areas.[27] The proposal was soon dropped.

The passage of the bill was virtually guaranteed when Morris Udall became the new Chairman of the House Interior Committee. Upon receiving news that Congressman "Bizz" Johnson would take the Public Works Committee and that he would then chair Interior, the 6'5" Udall hugged the much smaller Chuck Clusen, exulting "now let's pass that Endangered bill." [28]

The Endangered bill was still being debated when Rupert Cutler became the new Assistant Secretary of Agriculture for Conservation, Research, and Education. Previously the Forest Service had not taken a position on the bill but Cutler persuaded agency officials to support it. Cutler had some reservations, however, because although he was urging the Forest Service to liberalize its definition of wilderness, he did not have any criteria by which to judge whether the "endangered" areas were any more worthy of wilderness designation than the hundreds of other roadless areas in the National Forest System.[29]

Cutler had resigned from his position as assistant executive director of The Wilderness Society in 1969 to pursue a Ph.D. degree in resource economics and law at Michigan State University. After he completed his dissertation, dealing with several citizen lawsuits against the Forest Service (including the Parker Case) in 1972, he joined the faculty of the Department of Resources Development at Michigan State University. He maintained his affiliation with the Sierra Club and The Wilderness Society, but also was appointed by the Governor to several resource commissions in Michigan, where he acquired a "better" understanding of all sides in environmental disputes.[30]

After Carter's election, Doug Scott and Larry Williams of the Oregon Environmental Council discussed possible candidates for the position of Assistant Secretary of Agriculture for Conservation. They settled on Cutler, who had brought Scott into The Wilderness Society 8 years earlier. They considered him to be the best choice because of his background in the environmental movement and his solid academic credentials in natural resource management. Scott called Cutler and suggested that he apply for the job, as did Brock Evans. Cutler went to Washington, DC, and "lobbied for the job on his own" without further help from the environmental organizations.[31] Cutler apparently was the only person considered by Secretary Bob Bergland, who lectured Cutler on the congressional committee members he should cultivate and then gave him complete independence to administer the agencies under his charge after he had been confirmed.[32]

The prospect of Cutler as Assistant Secretary distressed some timber industry officials who remembered his tenure with The Wilderness Society. He had already sold his home in Michigan and had moved to Washington. Now he faced the possibility that the timber industry might try to block his appointment. In order to quiet their fears, he and Secretary Bergland met with a group of industry officials at a hotel near O'Hare Airport in Chicago, where they were told of the industry's difficulties in gaining access to national forest timber. Industry spokesmen had prepared a map of Idaho showing the areas which were in wilderness, primitive status, wilderness study, and in litigation. Only a small percentage, highlighted in green, was shown as open to harvesting. Cutler expressed sympathy for the industries' difficulties in making investment decisions in this situation and said that he would look into the matter and make a review.

R. Max Peterson (then Deputy Chief for Programs and Legislation) recalls that Cutler returned from Chicago saying that everybody had been impressed by the "uncertainty" over the wilderness situation and that he had made a commitment to accelerate the examination of roadless areas as a prelude to land management planning for all of the National Forests. He directed the Forest Service to do a "better" job of inventorying roadless areas than it had in RARE I. Unlike RARE I, which only selected areas for further study as wilderness, he wanted as much as possible to resolve the "uncertainty" by recommending some areas for wilderness designation and "releasing" others. Agency officials asked the Department's lawyers about the legality of a roadless study and were told that they were in "uncharted waters." There was nothing in either the Forest Service regulations or case law concerning the kind of large, programmatic EIS that Cutler envisioned. All previous NEPA court cases had involved individual sites. The agency also did a probability study which concluded that there was a very slim chance that the study would completely resolve the wilderness issue. It predicted that a programmatic EIS would be tested in court and that roadless areas would gradually be allocated in statewide bills. (Both of these predictions came to pass within the next few years.) Agency officials were also aware that Congress had not acted on several primitive area recommendations, all of which had been submitted by 1974, and therefore were not optimistic that the legislators would act quickly on

the results of a nationwide wilderness study. In addition, they were concerned that a roadless study would place a heavy burden on field personnel who also had to gather and analyze data for the Resource Planning Act Program in 1980. Thus, the Forest Service leadership was not enthusiastic about Cutler's proposal and would not have done it "if left to its own devices." [33] Once in office and confronted with the Endangered bill, he decided to go ahead with this plan, announcing it at a congressional hearing, as Zane Grey Smith, the Forest Service's Director of Recreation, whispered into his ear that "we can do that." [34] As Cutler stated 2½ years later:

> Shortly thereafter, but subsequent to my appointment as Assistant Secretary on April 18, I testified before committees of Congress on the Endangered American Wilderness Act of 1978. At those hearings I gave my pledge that some process would be used to expedite land allocation decisions on the National Forest System, both to step up the rate at which suitable areas could be added to the Wilderness System and also to reduce the uncertainty on the part of the forest products industry with respect to the timber supply base on which they could base their investment decisions. I was assisted at these hearings by the Director of Recreation Division of the Forest Service, Zane G. Smith, who assured me that a review of the entire National Forest System to identify areas suitable for designation as wilderness could be conducted within a period of less than one year. I testified to the effect that the Forest Service would begin at once the process of conducting such a review, tempering my pledge with words to the effect that, while I was sure that out of this quick review would come recommendations for the allocation of a major portion of the roadless area inventory, the allocation of some of these roadless areas would take a longer period of time (the further planning category).[35]

The environmentalists were totally unprepared for Cutler's announcement. Weeks earlier Doug Scott and other environmentalist leaders had sent angry telegrams to Cutler, their friend and former colleague, concerning his testimony on the Oregon Omnibus Wilderness bill, sponsored by Senator Hatfield. (The areas in this bill were later included in the Endangered American Wilderness Act of 1978.) Scott speculates that Cutler reacted to these expressions of outrage and the timber industry's problems by conceiving RARE II. Skeptics in the wilderness movement suspected the study would only be a slightly more polished reprise of the much-maligned RARE I and thus nicknamed it RARE II, which the Forest Service soon adopted as the official title.[36] The Wilderness Society had undergone a major change in its staff in the mid-1970's. Tim Mahoney, the society's RARE II coordinator, and many of his young colleagues predicted that RARE II "would work to the timber industry's favor by giving them a perceived threat which they could organize around, which they did." [37] Doug Scott, the Sierra Club's RARE II coordinator, supported the new study, calling it "historic" and a "a great opportunity." He wrote Cutler that he would make "strong efforts" to help make RARE II a success. Scott continued to speak favorably about RARE II until the publication of the "draft alternatives" in June 1978. Disillusioned by what

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he considered to be RARE II's bias in favor of industry, he began calling it just another "quick and dirty" Forest Service attempt to dispose of the wilderness issue.[38] At about the same time Tim Mahoney participated in a meeting with Cutler that exposed the strains that were developing between the environmentalists and the Carter Administration over RARE II.

> One of the most compelling personal episodes at this time occurred in a meeting in Roanoke, VA, in May or June 1978. This meeting had been organized by the Wilderness Society and its Southeast representative Randy Snodgrass. It brought together wilderness activists from states east of the 100th meridian to discuss a wide range of wilderness matters but particularly the RARE II process. Assistant Secretary Cutler was invited to address the group. I was invited to address the group also and since I had advance information on what the alternatives looked like in RARE II, I had assembled them in chart form; red meaning development and green meaning wilderness and yellow meaning further study. I was feeling rather awkward attacking the process in front of Rupe, who was a friend. Because of a scheduling change, my presentation was moved up an hour and Rupe was still in the hotel dining room eating breakfast while I spoke, so he never heard the attack. As the group began to realize how bad the draft environmental impact statement was going to be, they became quite incensed and I became incensed myself. Afterwards Rupe came on the scene and had in front of him the canned Forest Service speech discussing professionalism and a new era on wilderness, etc. He was not prepared for the degree of difficult, even hostile questions that were to come from the crowd. The exchanges between old friends were very difficult for everyone involved, and a line was drawn between the environmentalists and the Administration that day in Roanoke.[39]

The timber industry was also caught off guard by the announcement of RARE II. Douglas MacCleery of the National Forest Products Association called it a "terrible mistake" and a "flip-flop" from Cutler's previous congressional testimony where he called for an "orderly process."[40] The Association commissioned a law firm to study the legal implications of Cutler's proposal. The lawyers concluded that it was neither mandated nor forbidden by Federal laws and thus lay within the discretionary authority of the Department of Agriculture.[41] The Forest Service had not expected this initial reaction since Cutler had conceived RARE II to get the "wilderness monkey" off the backs of industry and the agency. Industry officials apparently feared that RARE II would stir up controversy that might result in a political deadlock or successful litigation by the environmentalists.

Once the study had begun, however, industry's attitude slowly began to change. Industry supporters participated in the public hearings and letter-writing campaigns. According to John Hall of the association, "we played all of the subsets of RARE II and we played them well."[42] Tim Mahoney (now with the Sierra Club) has recognized the timber industry's skill in influencing RARE II decisions.

> The timber industry also learned how to compete, perhaps out-compete the environmental community in the public debate in the way in which it focused attention on "bite the bullet" and the rapid timetable. The timber industry also learned how to use public opinion and their own employees in letter writing campaigns and grassroots efforts similar to those by the environmentalists.[43]

Industry spokesmen expressed qualified endorsement of the RARE II results when Cutler announced them in January 1979. Their public statements may have been stronger if they had not feared that embracing RARE II would confirm the environmentalists' charge that it has been biased in favor of industry. Certainly, industry would have been enthusiastic over RARE II if it could have been confident that the study's findings would have been quickly and thoroughly implemented by Congress.

The environmentalists' disenchantment with RARE II grew with the project's increasing ambitiousness. They were also distressed by its rapid timetable because they feared that Cutler and his assistants would be overwhelmed by data which would force them to rely almost completely on the recommendations of local Forest Service officials. At the beginning of the study, Cutler predicted that only the least controversial lands would be recommended for wilderness or nonwilderness status and that the bulk of the acreage would be left in the residual "further planning" category. The description of RARE II that Cutler most favored—"Its purpose is to identify which of the 56 [actually 62] million acres of national forest roadless areas should be left that way" [44]—would have been applauded by the environmentalists. Some of them were encouraged by the prospect that they would get the administration to support more wilderness acreage without at the same time losing much land to the developers. The natural resource industries, of course, looked at the matter a little differently. In their view, the environmentalists wanted to have their cake and eat it too. The industries wanted to settle the issue once and for all and were willing to make some concessions on acreage amounts if they could get that assurance. According to Tim Mahoney:

> These were appealing objectives, objectives that politicians from the Western states could agree with without facing wilderness/non-wilderness decisions themselves . . . Western progressive Democrats who were under pressure on a variety of issues, such as the Panama Canal, were looking for a way in which they could be responsive to the development community without turning their backs on wilderness. To them saying "do it fast, do it right, bite the bullets and make the hard decisions" was tailor made.[45]

As late as August 1978, only 4 months before the publication of the RARE II results, Cutler was saying publicly that one-half of the acreage would be placed in the further planning category. According to Cutler, it was during the next few weeks, as reports started coming in from the field offices, that "things started looking up and we realized we could make recommendations on more of the areas." [46] In the end the Forest Service "bit the bullet" and recommended 15 million acres for wilderness (5 million of which were on the Tongass National Forest in Alaska in a decision

directly influenced by Cutler [47]), 36 million for nonwilderness, and the remaining 11 million acres for further planning. Most of the last category consisted of lands in California and the Chugach National Forest in Alaska, lands that previously had been committed to further study in the Montana Wilderness Study Act of 1977, or lands in the so-called "Overthrust Belt" of Wyoming where geologists suspected the existence of large reserves of oil and gas. During the interagency review of the draft recommendations, the Department of Energy strongly advocated releasing all potential oil and gas land to the nonwilderness category. Allocating most of the Overthrust Belt to further planning was a necessary compromise given the relative lack of data on the nature and extent of its oil and gas reserves.[48] The environmentalists maintained that the concentration of "further planning" lands in these three categories gave a distorted picture of how much land RARE II had really set aside for further study. They believed they had lost the "allocation battle" because one-third of the land recommended for wilderness was in Alaska, where they had counted on doing well as part of the struggle over the Alaska Lands bill. Compared to the 36 million acres recommended for nonwilderness, the 25 million acres recommended for wilderness and further planning did not seem large when these factors were considered.[49]

The small percentage of acres in further planning was especially galling to environmentalists in Washington and Oregon, the States where the conflict between timber and wilderness interests was most acute. In Oregon and Washington the Forest Service recommended 637,007 acres for wilderness, 4,240,613 acres for nonwilderness, and 618,913 acres for further planning. Holway Jones, a former leader of the "Save French Pete Committee" and Sierra Club member in Eugene, Oregon, expressed his disappointment to Cutler.

> It's hard for me to believe, Rupe, that the RARE II recommendations are going to be allowed to stand the way they came out on January 4. There are a lot of unhappy people here in the Northwest, especially in Oregon. Most of them feel downright cheated—in fact, angry. We had 125 wilderness leaders from all parts of Oregon at the Red Lion in Portland two Sundays ago who spent the entire day discussing strategy for the 96th [Congress]. These folks are coming out swinging and they're not going to take the Forest Service decision laying down. . . . I do want you to know, nevertheless, that conservationists in Oregon (and throughout the Northwest) feel very strongly about the Forest Service decision which was so singularly one-sided as to place nearly 80 percent of all roadless areas in "Non-wilderness". The Northwest deserves better than that, and I think you agree.[50]

Cutler had agreed with Jones but had been unwilling to make large changes in the Forest Service recommendations for fear that the agency's professionals would have "disowned" the entire study. Cutler had hoped to increase the amount of wilderness acreage for the Northwest when the RARE II Final Environmental Statement reached the White House. He discovered, however, that the White House had agreed with the timber industry not to increase the acreage recommended for wilderness in the Northwest in exchange for industry's promise to support President Carter's

proposal for a Department of Natural Resources, which would include the Forest Service. Consequently, Cutler could not make any headway.[51]

In California the Forest Service recommended 983,900 acres for wilderness, 2,395,100 acres for nonwilderness, and 2,643,500 acres for further planning. The relatively large amount of further planning acres in California reflected most Californians' feeling that the wilderness issue should not be settled too quickly. But the Forest Service recommendations still fell short of what environmentalists and the California Resources Agency, headed by Huey Johnson, had wanted.

The situation in Trinity County on the Shasta-Trinity National Forest symbolized for environmentalists their dissatisfaction with the California RARE II results. The County Board of Supervisors had appointed a "philosophically mixed 9 member committee to review RARE II." They concluded that 48.4 percent of the roadless acreage in Trinity County should become wilderness, whereas the Forest Service recommended 17,000 acres of wilderness out of a total acreage of 449,000, and, in addition, suggested that a primitive area be reduced by 5,000 acres. The Forest Service maintained that this "criticism ignores that the RARE II process was designed to be consistent nationally and to take into account a variety of national, regional, and local objectives. To have used the county position verbatim in this case would have ignored other legitimate goals and would have necessitated adoption of the numerous other county adopted positions." [52]

In other words, the goals set by plans made under the Resource Planning Act of 1974 could override local desires. This explanation was not convincing to many, including several influential congressmen who chose to look at Trinity County as RARE II in "microcosm".[53] Regional Foresters had the authority during the last phase of RARE II to override all other factors and to recommend an area for nonwilderness status if, in their opinion, a local mill otherwise would go out of business. Why, on the other hand, could not strong local opinion override national production objectives?

After announcing the RARE II results on January 4, 1979, the administration declared that all nonwilderness lands would be "released" for other uses under the first cycle of forest plans mandated by the National Forest Management Act. Environmentalists had convinced officials in the Carter White House not to introduce an omnibus RARE II bill by arguing that RARE II had done enough damage and that they needed a free hand with Congress if they were to repair some of that damage. Cutler assured Congress that the Forest Service would proceed "sensitively" with development plans, but this was not enough for Huey Johnson, who sued the Department of Agriculture on behalf of the State of California. Sierra Club and Wilderness Society staff members had attempted to dissuade Johnson because they believed a suit would confirm the timber industry's prediction that RARE II might be useless (or even harmful) given the environmentalists' propensity to litigate.[54] Johnson, who was especially distressed by the recommendations for Trinity County, went ahead anyway and was sustained by the District Court, which asserted that before roadless areas could be developed, site-specific impact statements were required, and that

RARE II did not provide enough information to be an impact statement for an individual area. The court enjoined all development on 47 California roadless areas mentioned in the suit. (In 1982 the Circuit Court sustained the lower court. The Wilderness Society's Conservation Director Chuck Clusen, who had been one of those trying to stop Johnson from suing, now believes that Johnson acted correctly.)

In retrospect, Cutler would change two decisions he made during RARE II. The draft alternatives which the public commented on early in the study jumped from an alternative in which 36 percent of the roadless acreage would go to wilderness to an alternative of 100 percent of the roadless acreage going to wilderness. Cutler, who earlier had been successful in getting the percentage increased from 21, requested some intermediate figures but was told that it would delay the study too much. He accepted that agrument. Before the final statement was published, Cutler wanted to give the public an opportunity to comment on it. Again he backed off when told that another period of public comment would consume too much time and money. A compromise was reached under which Governors and congressmen reviewed the Department of Agriculture's proposed action. Nevertheless, Cutler muses that no matter what he had done in these two instances the court still might have found in favor of the State of California because "it is possible to get only so much information on 2,800 areas between two covers." [55] In his affidavit to the Court in the *California* v. *Bergland* case, he outlined how he believed the environmentalists had been "advantaged" by RARE II.

> (1) They now have the President and the Secretary of Agriculture behind an immediate doubling of the acreage in national forest wilderness; (2) An additional 12 million acres are to be studied further for possible wilderness designation, adding up to a possible wilderness output from RARE II supported by the administration of some 25 million acres, which would make possible a National Forest wilderness acreage total of 40 million acres—truly far more than the sponsors of the Wilderness Act of 1964 ever envisioned; (3) The 36 million acres of "nonwilderness" which came out of the RARE II process will be available for review again as wilderness in another decade or so and meanwhile can be used only in accordance with plans which have been developed under the National Environmental Policy Act procedures of the National Forest Management Act; (4) For the first time the environmental interests have a complete inventory of all the wilderness opportunities on the National Forest System, complete with maps, code numbers, commodity tradeoffs, and wilderness attributes for each one—the raw material of proposals which they can take to the Congress for use as the basis of legislation to further expand the Wilderness System, if they can obtain the political support to do so.[56]

Cutler saw a side benefit in RARE II. Secretary of the Interior Cecil Andrus was constantly in the spotlight because of President Carter's proposal for a Department of Natural Resources, which Andrus would lead, and the debate over the Alaska lands issue, which primarily concerned Interior's lands. RARE II kept Congress' attention on the National Forests at a time when they otherwise might have been completely obscured by

the issues surrounding the Department of the Interior.[57] Tim Mahoney, on the other hand, believes that this side benefit was outweighed by Congress' fear of the political turmoil caused by RARE II.[58]

Unbeknownst to Cutler, RARE II was causing many political problems for the Carter White House, which wished it had never been announced. White House officials had hoped to stay out of it but were forced to intervene when the Department of Energy and the Office of Management and Budget clashed with the Environmental Protection Agency and Council on Environmental Quality during the period of interagency review of the final draft. President Carter was given three alternatives ranging from a small amount of wilderness favored by the resource industries to a large amount advocated by the environmentalists. Carter chose the middle, Forest Service position.[59] The environmentalists were not in a position to exert pressure on President Carter because of his strong support for millions of acres of wilderness in Alaska.[60]

Most environmentalists thought that RARE II had been a mistake and that too much bitterness had been aroused. On the other hand, Andy Wiessner, counsel for the Subcommittee on Public Lands of the House Interior Committee, believes that RARE II was worth the effort because it got "Congress off the dime." [61] Doug Scott, once one of the most vocal critics of RARE II, now concedes that it will do more to enlarge the national forest portion of the Wilderness System than anything since "affirmative action." But he qualifies this statement with the wistful observation that as a result of RARE II much of the personal element has gone out of the wilderness movement and some wilderness quality may be sacrificed in the political compromises required by statewide wilderness bills.[62] In 1983 Raymond Karr, former Forest Service information officer in Missoula, MT, wrote a doctoral dissertation in which he asserted that the Forest Service had learned very little from RARE I because it made the same mistakes in RARE II.[63] Max Peterson, on the other hand, believes the agency did not suffer a failure of "institutional memory" because Secretary Cutler and his RARE II assistant, George Davis, had closely followed RARE I and were aware of the mistakes that had been made. Peterson believes that the Forest Service could not have done RARE II much differently given the scope of the project and the limited time in which it had to be completed.[64] It will be a few more years before historians can evaluate the competing claims about RARE II.

Notes to Section IV

1. Interview with Gene Bergoffen, Washington, DC, 7/25/83, Forest Service History Section (FSHE).

2. Interview with Douglas Scott, San Francisco, CA, 9/18/83, FSHS.

3. Same.

4. Doug Scott's 5/25/72 Statement on S. 866 before the Senate Interior Committee, Denver Conservation Library (DCL), Wilderness Society Records (WSR), Box 5, French Pete Box, Forest Service Memo, 12/54.

5. DCL, WSR, French Pete Box, Decision of David Gibney, 3/25/69.

6. Interview with Brock Evans, Washington, DC, 7/15/83, FSHS.

7. Same.

8. DCL, WSR, French Pete Box, Sunday Oregonian, 8/20/72.

9. DCL, WSR, French Pete Box, Eugene Register Guard, 11/1/73.

10. Same.

11. Winninette Noyes, letter to John Hall of the Wilderness Society, 4/10/69, DCL, WSR, French Pete Box.

12. Holway Jones, letter to Senator Robert Packwood, 4/27/73, DCL, WSR, French Pete Box.

13. DCL, WSR, French Pete Box, Sunday Oregonian, 8/20/72.

14. Oregon Daily Emerald, 11/16/72.

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16. Interview with Larry Williams, Washington, DC, 7/21/83, FSHS.

17. Interview with Rupert Cutler, New York, NY, 7/21/83, FSHS.

18. Scott interview, cited above.

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20. Same.

21. Same.

22. Same.

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33. Interview with Max Peterson, Washington, DC, 2/6/84, FSHS.

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35. Records of Rupert Cutler.

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37. Tim Mahoney, letter to the author, 5/11/84, FSHS.

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41. Interview with John Hall, Washington, DC, 7/25/83, FSHS.

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44. Records of Rupert Cutler, United Press International, n.d.

45. Mahoney letter, cited above.

46. Cutler interview, cited above.

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48. "RARE II: Final Environmental Statement," Washington, DC: USDA Forest Service, 1979, p. 17.

49. Mahoney letter, cited above.

50. Records of Rupert Culter.

51. Culter interview, cited above.

52. Forest Service, Washington Office, Legislative Affairs Records, "RARE II in California."

53. "Additions to the National Wilderness Preservation System," Joint Oversight Hearings Before the Subcommittee on Public Lands and the Subcommittee on Forests, House, 96th Congress, 1st session, 1980, p. 107.

54. Interview with Tim Mahoney, Washington, DC, 6/15/83, FSHS.

55. Culter interview, cited above.

56 Records of Rupert Cutler, "Narrative History of the RARE II Program," 1979, p. 16.

57. Cutler interview, cited above.

58. Mahoney letter, cited above.

59. Interview with Larry Williams, Washington, DC, 7/21/83, FSHS.

60. Scott interview, cited above.

61. Interview with Andy Wiessner. Washington, DC, 5/20/83, FSHS.

62. Scott interview, cited above.

63. Raymond W. Karr, "Forests for the People: A Case Study of the RARE II Decision" Ph.D. dissertation, University of Montana, 1983, p. 164.

64. Peterson interview, cited above.

V. Beyond RARE II

The great German sociologist, Max Weber, observed that at the beginning of a social movement authority is often embodied in a "charismatic" figure but as the movement acquires legitimacy, the charismatic authority is transformed into bureaucratic control.[1] The wilderness movement has also undergone a gradual "routinization of charisma" during the last decade. As Doug Scott recognizes, the romantic days are over when an embattled band of environmentalists could take on industry and the Federal Government. The basic decisions on allocating National Forest roadless areas are now being made at higher levels of political and bureaucratic authority than was the case in the 1970's. Equipped with the Forest Service's comprehensive, nationwide inventory of roadless areas, politicians can now reach agreements and make decisions on a scale that was impossible before RARE II. Since the completion of the study, virtually all of the new wilderness proposals have been included in statewide bills.

The third State bill to pass was the Colorado Wilderness Act of 1980. (The Alaska Lands Act of December 2, 1980 was the first state bill to include RARE II lands, but it was primarily concerned with lands managed by the Department of the Interior. The New Mexico Wilderness Act passed a few days before the Colorado Act. Its momentum had been provided by the Colorado bill.)

In the mid-1970's Tim Mahoney of The Wilderness Society in Denver and Dave Griffith, a Boulder attorney, filed several administrative appeals in an attempt to stop the Forest Service Rocky Mountain Region from using the potential timber harvests from RARE I roadless areas in calculating the Region's allowable cut. They argued that the unit plans that were required by the agreement with Judge Conti would necessarily be done so as to attain the projected allowable cut, thus biasing the unit planning process from the outset. When Craig Rupp became the Regional Forester in 1976, he asked Chief McGuire to send the appeals back to his office so that he could reach an agreement with The Wilderness Society. According to Mahoney:

> There, we settled with the Forest Service in such a way that roadless areas in all of Region II (Colorado and the east slope of the Rockies in Wyoming) continued to be calculated in the potential yield but were not included in the allowable cut. Through an elaborate series of directions, all timber sales in roadless areas were to be postponed until after the unit plans for those units were completed. In other words the policies for timber and wilderness for the entire Rocky Mountain Region, not just a single area, were altered.[2]

As a result of this agreement, the environmentalists felt they had a friend in Rupp and that a spirit of cooperation existed between them and the Regional Office. Colorado environmentalists were pleased when RARE II recommended 2.2 million acres of wilderness for their State.

The Colorado roadless areas were located in the districts of Congressmen Johnson and Kogovsek. Congressman Johnson was about to retire and wanted to settle the wilderness issue in his State. Congressman Kogovsek, on the other hand, was a new member who "wisely wanted to put the issue behind him." [3]

The environmentalists were unified in Colorado, and the resource conflicts were not as intense as they were in California, Washington, Oregon, Wyoming, and Idaho. The Forest Service had proposed a generous amount of Colorado wilderness in RARE II, so the environmentalists did not feel they had to confront the agency. In fact, the wilderness acreage in the act was nearly 800,000 acres short of the Forest Service recommendation of 2.2 million acres. (Another 469,000 acres were to be studied further under the terms of the act. Many of the most controversial areas in the State had been placed in the further planning category by RARE II or were designated as wilderness study areas by the Act.) In addition to establishing the amount of wilderness acreage, two issues dominated the debate over the Colorado bill—"release language" and the so-called grazing guidelines.

Following RARE II, the Department of Agriculture (as directed by President Carter), in the person of Rupert Cutler, contended that it had sufficient authority to administratively release lands found unsuitable for wilderness designation and opposed congressional proposals for statutory release langauge.[4] To have said otherwise would have been an admission that RARE II was not an entire success and an acceptance of some diminution of putative departmental authority. For several months after the *California* v. *Bergland* decision, the Department continued to maintain this position but then began to accept the idea that some kind of statutory release language was perhaps necessary in order to prevent the filing of similar lawsuits.[5] The environmentalists thought that the timber industry was "on a roll" after RARE II and were afraid of any kind of statutory language which permanently released land for development (called "hard" release). According to Tim Mahoney:

> Environmentalists saw release language, as it was invented by the timber industry, as the greatest threat to wilderness that had yet been considered—much greater than purity. The real intent of release language was to make it illegal for the Forest Service to either consider lands for wilderness in its planning process or to manage the lands in a way that would allow them to remain in a wilderness-like condition. This would mean that environmentalists could not work with their local Forest Service to inventory lands. The inventory of the wilderness resource was an advantage that environmentalists had in organizating their own troops as a result of RARE I.[6]

The problem then was to find a formula that would be reasonably acceptable to both industry and the environmentalists—certainly a difficult task given their strongly opposed views.

In the River-Of-No-Return Wilderness Act passed in July 1980, 900,000 acres surrounding the 2.2-million-acre wilderness area in central Idaho were released in the conference committee report. The Senate had earlier defeated an attempt to incorporate release into the act itself.[7]

Industry, however, was not satisfied with the concept of committee report release because it did not have the binding force of law to back it up. Environmentalists, on the other hand, were unwilling to "tie the hands of future generations" by making irreversible decisions concerning wilderness allocation. The environmentalists thought they had won the release battle in the Senate but soon thereafter Senator Hatfield's Oregon Wilderness bill passed the Senate and contained "hard" release language. (It died in the House.)

The middle ground between these two positions was found by the House in its consideration of the California bill and was then incorporated in the Colorado bill. Representatives Kogovsek and Johnson introduced their bill in 1979 before the decision in the case of *California* v. *Bergland.* The environmentalists opposed any statutory release language and agreed to accept a modest amount of wilderness acreage in exchange for a bill without statutory release. In the meantime Judge Karlton had issued his decision in the California case at the same time as the House was considering a wilderness bill for the State. Representative Phillip Burton was leading the effort to get a large amount of California wilderness. Tim Mahoney describes his role:

> Burton, the master horsetrader, probably one of the strongest, most influential environmentalist in the Congress, understood that environmentalists did not want release language or what was termed release language at the time. He introduced a wilderness bill in late 1979 for California that consisted of all the Forest Service wilderness proposals, all the Forest Service further planning areas, and all the lands that were allocated to non-wilderness but were enjoined by the Court in the California lawsuit, a proposal of more than five million acres. Representative Bizz Johnson . . . introduced the Forest Service bill [i.e. a bill based on the RARE II recommendations]. It contained the 1.2 million acres of wilderness recommended by the agency for California and "release language" similar to that introduced in the [Tom] Foley bill [a national wilderness bill which completely released land recommended as nonwilderness in RARE II and released further planning areas if Congress had not considered them by a certain date]. Burton, who is probably the master tactician of all time for the environmental movement, performed something close to a miracle in negotiating wilderness boundaries for over 50 areas in about a dozen Congressional districts from members that spanned the political spectrum. In the process, he made it very clear to the conservationists that they would not have a bill, unless they were willing to pass a piece of legislation which would short circuit the order of the court in *California* v. *Bergland,* which would declare the environmental impact statement for RARE II (for California) legally sufficient: hence, "sufficiency language," now called "soft" release . . .
>
> The California release language was developed after three weeks of meetings which were extraordinary in the history of the wilderness movement, as they put together representatives of the Sierra Club, the National Forest Products Association, Congressman Burton's staff, John Seiberling [Chairman of the Public Lands Subcommittee of the

House Interior Committee], Ranking Republican on the Interior Committee, Don Clauson, as well as the new Chief of the Forest Service, Max Peterson, and his General Counsel. Out of this room and three long meetings came the compromise language which was inserted in the California bill.[8]

Under the California formula, RARE II would be declared "sufficient" as an EIS and land would be released during the first cycle of National Forest plans mandated by the National Forest Management Act—a period of from 10 to 15 years. This compromise provided some measure of stability for the timber industry and held out the possibility to environmentalists that released land, if left undeveloped during the first planning cycle, might be found suitable for wilderness designation during the next planning cycle. (The California bill later died in the Senate.)

When the Senate began to consider the Colorado bill, Senator Gary Hart was opposed to any kind of release language except that contained in a committee report. He gradually accepted the idea of some kind of "sufficiency language." His Republican counterpart, Senator Bill Armstrong, was pressing for "hard" release but had been negotiating with Senator Hart. When the House devised its compromise formula for California, the Colorado Senators agreed to incorporate it in their bill, thus clearing the way for its passage.[9]

A problem still to be considered was the question of grazing rights. Firm grazing guidelines had never been established.

In 1971, just before he left the Forest Service, Richard Costley made an inspection trip to the Southwest Region. He was chagrined to find that the Regional Forester and his colleagues were pursuing "a business-as-usual" approach to livestock grazing in wilderness areas and predicted that grazing would prove to be the most difficult problem in wilderness management.[10] During the 1970's the grazing issue came up several times. Twice Congress told the Forest Service in committee reports that it was being too strict on wilderness grazing, which was forcing some stockmen out of these areas. Congress directed the Forest Service in these reports to permit the continuation of wilderness grazing under reasonable and uniform regulations.[11]

The grazing issue came to a head with RARE II. Before RARE II most of the land which went into the Wilderness System had been administered as wilderness or primitive areas for many years by the Forest Service. In most cases grazing improvements and motorized equipment had been kept out of these areas. Thus, there was usually no need for management changes when the areas went into the Wilderness System.[12] However, this was not the case with the roadless areas in RARE II. Many of them were being used under normal Forest Service grazing procedures. Improvements and motorized equipment were common in some of these areas. Stockmen were afraid that if these areas became wildernesses, they would be required to forego motorized transport, which would force them out of business. Environmentalists predicted that a strict interpretation of the Wilderness Act's grazing provision would stir up political opposition and would keep some areas out of the Wilderness System. The Forest Service was concerned that wilderness grazing not become so permissive

that it violated the Wilderness Act. According to Tim Mahoney of the Sierra Club, during RARE II some Forest Supervisors said at local meetings that grazing would be reduced or eliminated if certain areas went into the Wilderness System.[13] Environmentalists realized they would have to reach an agreement with the stockmen in order to get as many acres as possible designated as wilderness.

When Congress began to debate the Colorado Wilderness bill in 1979, the Colorado congressional delegation told The Wilderness Society that it would have to have something to placate the livestock permittees in order to pass the bill.[14] The stockmen's associations wanted to amend the Wilderness Act to give them the statutory right to carry on "economical" grazing within wilderness areas. The environmentalists opposed this proposal on the grounds that other interest groups might demand similar treatment.[15] The Forest Service also opposed the amendment because it would give wilderness livestock permittees a guaranteed right to graze which was not enjoyed by those using regular National Forest rangeland. Instead, the environmentalists agreed with the stockmen to include language in the Colorado committee report authorizing the occasional use of motorized equipment and improvements within wilderness grazing allotments where such equipment and improvements had been customary.

The Forest Service was at first reluctant to accept the idea that the wilderness grazing should be managed with economic criteria in mind. It interpreted Section 4(c) of the Wilderness Act to mean that motorized equipment was generally not permitted in wilderness.

> Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

This language had to be compared with that contained in Section 4(d)(4)(2) which said that "the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture." This provision permits the continuation of grazing but does not explicitly state that economic criteria should be taken into consideration. (However, during the debate over the original wilderness bills the environmentalists and their congressional supporters were unanimous in asserting that they did not want to harm the livestock industry.[16])

The House Subcommittee on Public Lands successfully mediated among the Forest Service, the environmentalists, and the livestock industry. The Subcommittee's counsel, Andy Wiessner, considers this a good example of what can be accomplished "when you get the contending parties in an issue to sit down together."[17] Wiessner drew up guidelines which permit the upkeep of improvements and the use of motorized equip-

ment where this had been customary before an area went into the Wilderness System. The guidelines were then put into final form by Wiessner's boss, Chairman John Seiberling and the ranking Republican Congressman of the Public Lands Subcommittee, Jim Johnson, at a meeting between the two and representatives of the Forest Service, livestock industry and environmental groups. The guidelines were written into the River-Of-No-Return committee report. The Forest Service agreed to apply these guidelines throughout the National Forest System. The guidelines were given greater authority when the Colorado Wilderness Act directed the Forest Service to implement them. The environmentalists had opposed this reference to the guidelines in the act but were somewhat placated when the statement "without amending the Wilderness Act" was added. (When the environmentalists realized they could not prevent a reference to the guidelines in the act, they asked Congressman Seiberling, who chaired the Senate-House conference on the Colorado bill, to move that the guidelines be made to apply throughout the National Forest System, which was done.) In November 1980 the Forest Service's Washington Office distributed a list of "Questions and Answers" dealing with practical situations in wilderness grazing to all field units. The guidelines and the Forest Service's practical instructions appear to have solved the problem for there has been general peace on the wilderness range since their promulgation in 1980.[18]

Notes to Section V

1. Max Weber, "From Max Weber: Essays in Sociology", eds. H.H. Gerth and C. Wright Mills (New York: Oxford University Press, 1958), pp. 196–240.

2. Letter from Tim Mahoney to the author, 5/11/84, Forest Service History Section (FSHS).

3. Interview with Andy Wiessner, Washington, DC, 5/20/83, FSHS.

4. Secretary Bob Bergland, letter to Senator Gary Hart, 5/19/80, Forest Service, Washington Office, Legislative Affairs Records.

5. Forest Service, Washington Office, Legislative Affairs Records, "Release—Sufficiency Language" folder.

6. Mahoney letter, cited above.

7. Forest Service, Washington Office, Legislative Affairs Records, "S. 2009—Central Idaho Wilderness Act" folder.

8. Mahoney letter, cited above.

9. ESC Weekly Bulletin, August 4, 1980.

10. Letter from R.J. Costley to Ed Cliff, 5/3/71, Forest Service, Washington Office, Division of Recreation Records.

11. Congressional Record, 12/4/80, S15573.

12. Forest Service, Washington Office, Legislative Affairs Records, "Wilderness Grazing" folder.

13. Interview with Tim Mahoney, Washington, DC, 6/15/83, FSHS.

14. Interview with Chuck Clusen, Washington, DC, 6/9/83, FSHS.

15. Forest Service, Washington Office, Legislative Affairs Records, "Wilderness Grazing" folder.

16. Dennis Roth, "The National Forests and the Campaign for Wilderness Legislation" (Journal of Forest History, forthcoming).

17. Wiessner interview, cited above.

18. Same.

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